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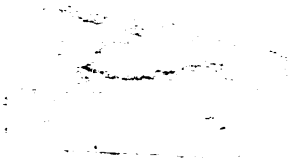


WHO KILLED Sir EDMUND BERRY GODFREY?

WHO KILLED Sir EDMUND BERRY GODFREY?

By

ALFRED MARKS

With an Introduction by

FATHER J. H. POLLEN, S.J.

BURNS AND OATES
28 ORCHARD STREET
LONDON W
1905

Rc 1915.80.43

HYPOTHESES non fingo.

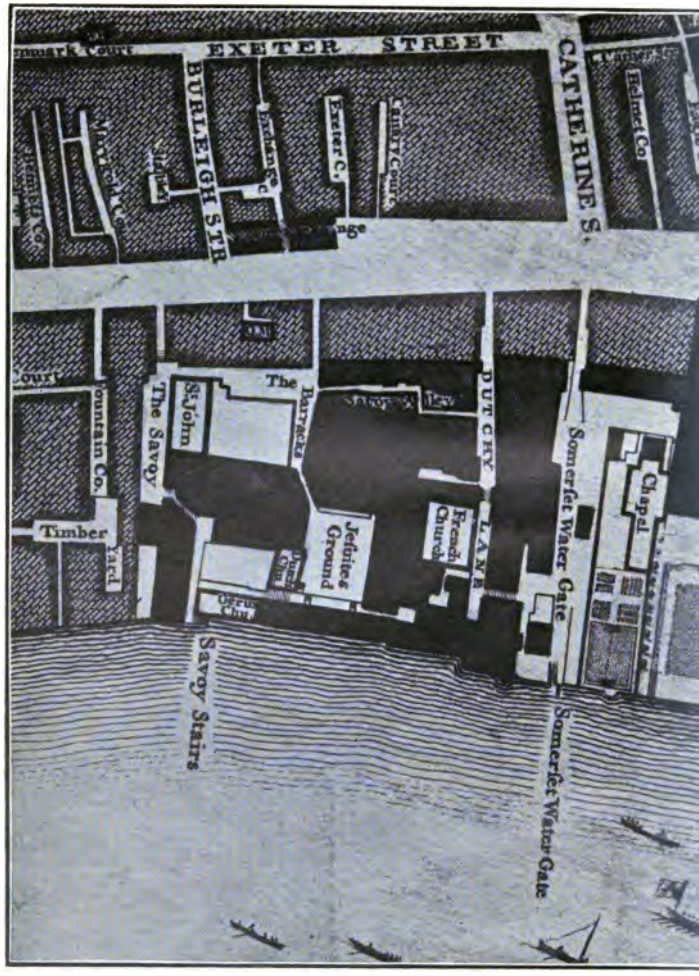
Sir Isaac Newton, "Principia,"
Ed. Thomson and Blackburn, 1871, *p.* 530.

Intellectus humanus, in iis quae semel placuerunt (aut quia recepta sunt et credita, aut quia delectant), alia etiam omnia trahit ad suffragationem et consensum cum illis: et licet major sit instantiarum vis et copia quae occurrunt in contrarium, tamen eas aut non observat, aut contemnit, aut distinguendo summovet et rejicit, non sine magno et pernicioso praejudicio, quo prioribus illis syllepsibus authoritas maneat inviolata.

Bacon, "Novum Organum," Aph. xlvi,
ed. Spalding, Vol. I, *p.* 166.

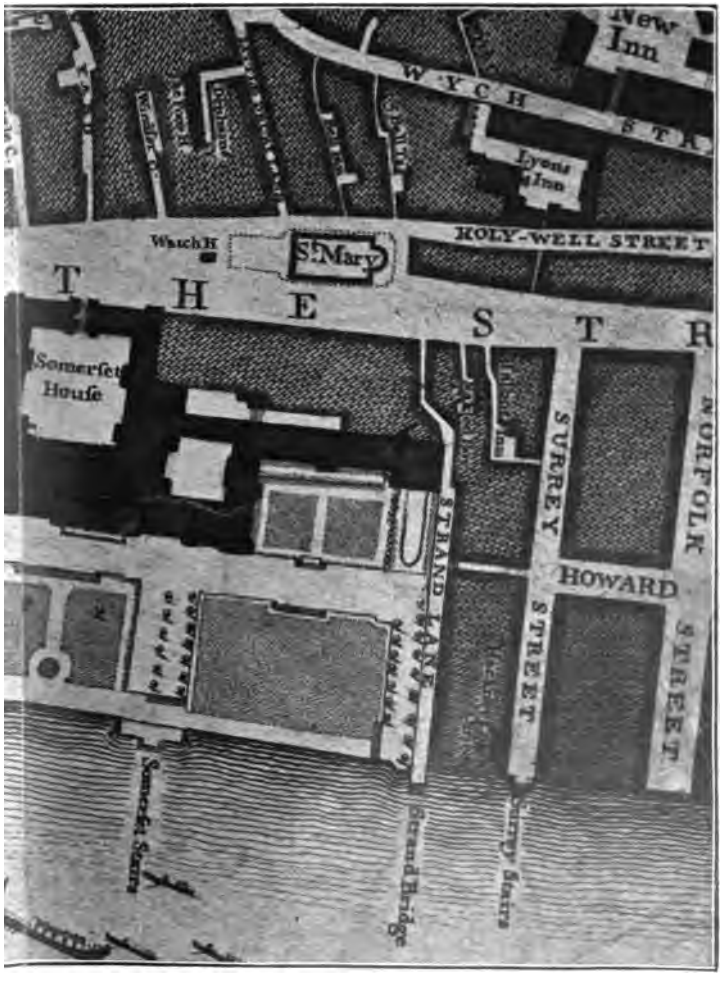
This is certain, that what in one age was affirmed upon slight grounds, can never after come to be more valid in future ages by being often repeated. But the farther still it is from the original, the less valid it is, and has always less force in the mouth or writing of him that last made use of it, than in his from whom he received it.

Locke, "Essay on Human Understanding,"
Book iv, ch. 16, § 11.



SOMERSET HOUSE A

From Rocque's Plan of the Cities of London and V



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AND NEIGHBOURHOOD

Westminster, etc., begun in 1737, published in 1746

Introduction

NO ONE nowadays, if asked whether he believed in Oates's Plot, would fail to say that it had long since been exploded and demolished. And yet when considered from another point of view, it is found to be still vital, and still to have its defenders and apologists. A striking proof of this was seen only two years ago when Mr John Pollock published his essay on the *Popish Plot*, in which he endeavoured to justify many of the chief contentions of its managers. His work was received approvingly at Cambridge, and was generally welcomed by the English press.

Nor is the reason far to seek. This now discredited plot was contrived and worked on behalf of a cause which is to-day eminently popular, the exclusion of Catholics from the throne of England. The politicians who strove for that end are easily pardoned, even though the means they employed to secure it are admittedly unjustifiable. Similarly when some clever writer attempts to palliate or diminish some of the wickedness or extravagance of Oates's Plot, his theories will probably be received at first with injudicious facility and unbecoming favour.

The plot therefore is not a dead subject. Apart from our duty of putting right the wrong, which was then done to so many honourable and innocent Englishmen, it is also incumbent on all lovers of truth, to see that the real nature of the plot should be made known with sufficient clearness to

check the inevitable tendency, just mentioned, to whitewash the real culprits; and it is in this honourable spirit that Mr Marks has approached the subject. Not being a Catholic himself his words cannot be suspected to have a controversial object. It is plain that he aims at nothing but truth and fairness for their own sakes.

When we first look into the materials from which the history of the plot must be compiled, one is surprised to find how multitudinous, confusing, contradictory they are. People are apt to forget that the plot agitation was not a mere passing wave of popular excitement. It lasted for about four years, and during that time every nerve was strained by statesmen, lawyers and writers, with all the resources of Parliament at their backs, to procure evidence which might bolster up Oates's fictions. Thus the mass of matter both in print and in manuscript is enormous, but its meaning is as obscure as the senseless fanaticism which elicited it. Gradually one perceives that a few facts are of greater importance than others. The plot itself, as described by Oates and his fellow informers, is soon recognized as being an almost negligible quantity. No one nowadays takes the trouble of reading, much less of refuting its absurdities. On the whole the most important points are the letters of Coleman, the death of Sir Edmund Berry Godfrey, and the exclusion of the Duke of York.

Coleman, a convert to Catholicism from the University of Cambridge, was secretary to the Duchess of York at the time of the plot. His correspondence was seized, and in it were found the drafts of letters addressed to French officials, in particular to the confessor of the French King,

begging for a pension from France for the Duke. The request had been refused, but Coleman had foolishly kept the minutes of his useless pleadings, in which, as might be expected, he had oratorically enlarged on James's endeavours to assist Catholicism in England. Soberly considered these begging letters are of very small importance, but they suited the objects of the prosecution to perfection. Coleman was executed, and his unlucky words are still quoted by the defenders of the agitation as the best or only proof of their theory, that somewhere in the story of the plot—"some truth there was, though brewed and dashed with lies."

The violent death of Sir Edmund Berry Godfrey is the second important event in the plot agitation, and a discussion of its evidence gives the best introduction to the history and literature of the plot. It is not a fiction too absurd for serious attention, but a definite fact which needs explanation, and from which very far-reaching consequences ensued. It ushered in the long period of the "Terror," with all its shame and disaster. Mr Marks has done well to single it out as the chief object of his study. He is moreover to be congratulated on the happy result of his investigations. He has succeeded, not only in marshalling the chief arguments and evidence with great clearness, but also in adding materially to our knowledge. The medical evidence has hitherto been regarded as the chief difficulty against believing that Sir Edmund committed suicide. As Mr Andrew Lang wrote:

"Between us and the conclusion—suicide by fear—nothing stands by the surgical evidence, and the grounds of that

but

evidence are disputed. Surgical evidence however is a fact 'that winna ding,' and I do not rely on the theory of suicide." *

Mr Marks has now laid such evidence as remains to illustrate the surgical aspects of the case before a well-known modern physician, Dr Freyberger, and the doctor has drawn up a professional report upon them. Thus scientifically considered, they are found to prove beyond reasonable doubt that death was self-inflicted.

This point being settled, the manifold calumnies and fictions, which have been constructed on the hypothesis that Godfrey was murdered, fall to the ground of themselves. Moreover, Mr Marks has shown that many of the charges are untenable for other reasons. The numerous absurdities, for instance, which are involved in supposing that the corpse was *carried* from Somerset House to Primrose Hill, have never been set forth more vigorously than they are in the succeeding pages.

And if after all Mr Marks has not been able to clear up all the obscurities which hang even over this episode, this is only what was to be expected. His task is to bring before us what was said and done at a time when all conspired to rave and lie, and to behave like furious madmen. His representation of events would not have been truthful, if he did not keep before us the idea that we were handling huge tangles of stupid, credulous fables, such as no genius however penetrating can now unravel and explain. We are dealing with semi-lunatics, from whom sensible information cannot be extracted.

* A. Lang, "The Mystery of Sir Edmund Berry Godfrey," pp. 98, 99.

This is doubtless true, but it raises a further question. How are we to account for the English people, usually so staid, behaving for so long a period as if it were entirely demented?

A valid reason for such unreasonableness is of course not to be expected, and the chief explanation is that which arises from the narrative itself. Besides this, however, Mr Marks has provided us in his last chapter with a series of reflections on some of the less well-known circumstances of the time, which materially help us to realize how this strange bewitchment was not then an impossibility. He shows that there was still an insane fear of the old religion, still a superstitious dread that it would revive and reclaim its former property—especially the abbey lands—and take a bloody revenge for all the hard measures that had been dealt out to it.

Amongst other interesting information which will be found in this chapter are some notes on the employment of foreign mercenaries for the advancement of the cause of the Reformation, a matter too easily passed over in most of our popular histories. These quotations form a significant comment on the outcries raised against the Catholics for asking in their distresses for aid from abroad. It sets one thinking of Dutch William in England, and of the English in Holland, in Scotland, and elsewhere.

But I must not now pursue these interesting parallels, or indeed keep between Mr Marks and his readers any longer. If they can relish the straightforward presentation of veracious history, they will be more than gratified by what is in store for them.

J. H. POLLEN, S.J.

Preface

ON reading once again some of the contemporary records of the Popish Plot it seemed to me that there was still room for a close and minute study of its central incident, the tragic end of Sir Edmund Berry Godfrey. My first intention was to confine myself to an investigation of this, the greatest of English *causes célèbres*. But, the study completed, it was evident that something was yet lacking—an attempt to show how the episode in our history known as the Popish Plot—how that mixture of farce and bloodiest tragedy was possible in England.

It is always an agreeable task to acknowledge assistance given. I have to thank Professor Arber for constantly placing at my service his wide and minute knowledge of the literature of the time. It is hardly necessary to say that this acknowledgement does not imply sympathy with the views here expressed.

I am also in an especial degree indebted to Dr Freyberger, who, in the circumstances mentioned in the text, made a careful study of the whole of the medical phenomena.

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Who Killed Sir EDMUND BERRY GODFREY?

Chapter I—The Popish Plot

ONE day in the autumn of 1678, Sir Edmund Berry Godfrey, a justice of the peace, left his house near Charing Cross. He never returned. A few days later, his body was found, transfixed by his own sword, at the foot of Primrose Hill. How he came by his death, who killed him, and why, are questions that have been debated from that time to this.

The discovery of the body was the signal for the letting loose of a tempest of furious passion, at once so groundless and so boundless as to be without a parallel in the history of civilized communities. Never, perhaps, in the annals of mankind has the death of a man of so modest a rank been followed by consequences so dire. The first direct consequence of his death was the execution of three men, long since admitted to be innocent of the murder of Godfrey. Indirectly, it led to the death of many other innocent persons: to the imprisonment and suffering in mind, body and estate of many thousands. Not for weeks only, or months

but for years, the country was at the mercy of a gang of men who had long ceased to have a character to lose. The scum of the sweepings of the jails, by exchanging the trade of highwayman, burglar and coiner for that of "discoverer," avoided renewed experiences of the lash, the pillory and the hot-iron; drew large pay; were sumptuously lodged and fed; became the masters of parliament and of England; and were revered and toasted as the saviours of the nation. The Houses listened with eager credulity to the romances of these wretches of proved infamy. Did a member of parliament but dare to hint a doubt, he was instantly expelled and thrown into the Tower. The Speaker did not mince his words on these occasions. To Sir Robert Peyton he conveyed the order for his expulsion in these terms: "I cannot call you a fallen angel, for you have been a devil from the beginning. You were ever a profuse rolling hero; having now nothing left you but the state of man, whereby you are become nauseous to this House, and therefore they now spew you out." Judges sat in their courts merely to condemn the innocent victims dragged before them; a judge who ventured to doubt the evidence of the most worthless of men was removed from the bench. These men drove the king's brother into exile, and even dared to charge the queen of England with the design of poisoning her husband.

There is an eastern story of a king who possessed a charmed gem of such wondrous potency that the man on whom he flashed its rays fell headless to the ground. Such a talisman had Titus Oates and his crew discovered: their denunciation was fatal. Safety was to be found only by crossing the sea. A man might have been in a distant

county, and prove it by a dozen witnesses, but proof availed nothing against the oaths of notorious perjurers. Neither high station nor obscurity gave protection; peers of the realm and servingmen were alike their prey.

In appearance the madness was universal, for it was dangerous to seem sane. Those who threw doubt on the most monstrous fictions of the informers were at once dubbed papists, or reputed or suspected papists, or concealed papists, or were declared to be "popishly inclined." The stigma was hardly removed by hastily taking the oaths of allegiance and supremacy, and receiving the sacrament according to the rites of the Church of England.

Committees of the two Houses sat every day, sometimes the whole day, without adjourning for dinner: all day long they received evidence and examined witnesses. Parliament met sometimes even on Sunday. The journals of the High Court of Parliament read like a diary of Bedlam written at the full of the moon. A noise of digging has been heard in the night in the neighbourhood of the Houses of Parliament; Sir Christopher Wren is sent for and declares that there can be no assurance of safety; all timber and coals are removed, and sentries set; meanwhile the king is warned not to come to the House. A beggar, suspected to be "a person of quality," is observed to hang about the great door. Stories run about of blunderbusses found in Goodman's Fields; a hearse full of arms has been intercepted at Banbury; a bricklayer deposes that, a while ago, he bricked up two hundred muskets in the house of the Bishop of Winchester! The country was convulsed by the finding of fireworks in the house of M. Choqueux

(whose name was a stumbling block to the scribes); there were, in fact, many thousand of empty rocket and serpent cases, held against the occasion of a royal fête. A select committee is appointed to examine into the matter, with the aid of experts. Mysterious chests are found in the grotto of a garden; letters importing treason are picked up in the street; letters importing a rising of the papists. Only a few observers retained calm enough to suspect that they were scattered "with design to amuse the people."

In the mania of self-accusation, a feature of times of great excitement, servant-maids declared that they had set fire to their masters' houses, incited thereto by priests. Every fire that occurred was set down to the "Tewkesbury mustard balls" of the papists.

"The sons of Belial had a glorious time!" When in searching the houses of papists for arms, "broad pieces of eight" were found, they were confiscated as popish relics:

> In search of arms he failed not to lay hold
> On war's most powerful, dangerous weapon—gold.

Somerset House itself, the queen's palace, was searched: it was said that 100,000 fire-balls and grenades had been found. Men were set to dig in the Savoy, where it was rumoured that the Jesuits had buried two or three hundred thousand pounds. All having the control of water-works were ordered to take especial care that no papist or reputed papist was employed in any kind of service—as the governors and masters would answer the contrary to the House of Commons. Men went about their affairs in a newly devised armour of silk, or

in bodices of whalebone: they armed themselves with a "Protestant flail." Ladies carried small pistols in their muffs. Chains and posts were put up in the City; the streets were watched night and day; they were so full of guards that it was difficult to make one's way through them. The City Chamberlain immortalized himself by declaring that all the Protestants might rise one morning to find their throats cut. One day, my Lord Treasurer rides into London from Hyde Park Corner, hatless, waving his sword, and crying, "Arm, Arm: the French have landed!" A hedge and a few horses seen in Purbeck Island, through the mists, had been mistaken for the French army. Far away in the north, men rushed to the windows of their bedrooms and listened in the dark to the tramp of horses, three abreast, "going towards Leeds," men and horses alike invisible to mortal eye.

Proclamation followed proclamation. Popish recusants were commanded to depart to a distance of ten miles from London: they were not to go more than five miles from their houses: none of His Majesty's subjects was to resort to the chapel of the queen, nor to the chapel of a foreign Catholic Ambassador. Youths in foreign seminaries were at once to return to England: meanwhile no relief was to be sent to them. Rewards were offered for the apprehension of priests, of papists. Now and again, the House of Commons prayed the king to offer further rewards to informers. The old bloody laws which had slept, were put in force without warning: it was again death to a priest to be discovered in England.

It was a Reign of Terror. More than a score of persons perished on the scaffold: the jails

were crammed: no count has been taken of those who died in prison.

Nor did the terrible effects of this frenzied outbreak stop at our own shores. Under the Edict of Nantes, French Protestants enjoyed a liberty of worship and freedom such as for many a long day was not to be accorded to Catholics in England. For more than eighty years the Huguenots had been left in peace. But now, "rumours concerning our barbarity" daily increased in Paris: the French king was pressed "to make him revenge the quarrel of the English Catholics upon the French Protestants, who trembled for fear of some violent persecution."* Cruel persecution of the French Protestants, and, finally, the revocation of the Edict, were the answer to the cry for revenge.

Of the chain of events which made these horrors possible some account will be given in a final review. We must first narrate the events immediately preceding the disappearance and death of Sir Edmund Berry Godfrey. We must begin with the "Popish Plot": the two things have always been seen to have the most intimate connexion. The murder of Godfrey is indeed the central incident of the plot: but for the murder of Godfrey the Popish Plot might have been forgotten among the many plots of an age in which plots sprang up like mushrooms. In the words of a contemporary writer, the murder proved the plot, the plot the murder. Belief in the plot goes far to explain the murder: if the murder of Godfrey by the Catholics is established, the murder comes naturally into the scheme of the plot. Preaching

* "Saville Correspondence," pp. 93, 97, 100, 174, 200. Luttrell's "Brief Relation," I, pp. 55, 112.

before the House of Commons on the day appointed for a fast, Dr Stillingfleet, Dean of St Paul's, dilated on this topic: the existence of a dangerous plot was proved by the murder of Godfrey, "and they whom his death doth not convince, neither would they be convinced though he should rise again from the dead."

The invention of the Popish Plot—we may use the word in the equivocal sense given to it in a well-known passage of Gibbon—was due to an English Clergyman, Dr Ezerel, or Israel, Tong, Tonge, or Tongue—the spelling of proper names was uncertain in the seventeenth century. Early in life, Tonge, then at Durham, had been very successful in teaching boys grammar, by, strangely enough, the method of the Jesuits. Later, at Islington, he had a school for boys, and also a little academy where he taught Latin and Greek to girls. Afterwards, he was chaplain at Dunkirk till it was sold to the French king. In 1666 he obtained the cure of St Mary Stayning, a church which was burnt in the Great Fire. Then Tonge went to Tangier, made over to England as part of the queen's dower. Here he remained till he was recalled to be made rector of the united parishes of St Mary Stayning and St Michael, Wood Street. Tonge spent much time in the pursuit of alchemy. In "Athenae Oxonienses" he is described as a person cynical (by which we are perhaps to understand careless of his person) and hirsute, "shiftless in the world, and yet absolutely free from covetousness, and, I dare say, from pride." He seems to have made on his contemporaries an impression difficult to reconcile with the part he played in the tragedy of the Popish Plot. Sir Roger L'Estrange, who had no

reason to speak well of Tonge, describes him as "a weak man, a simple, visionary bigot, and a very dreamer of dreams." Burnet asserts that he was "a very mean divine, and seemed credulous and simple." The use of the past tense has perhaps some significance. For when Tonge told Burnet of designs on the person of the king, Burnet was in doubt whether Tonge was crazed, or whether he designed "to involve me in a concealment of treason." Burnet found that at the office of Secretary of State they made no other account of Tonge's discoveries "but that he intended to get himself made a dean." Simple as he appeared, Tonge was not scrupulous as to the methods he employed in the great work of his life. To one who remarked on the particularly base means employed in procuring evidence of his plot, he replied, "God Almighty will do His own work by His own methods and ways." He himself could forge upon occasion. Tonge was a bitter enemy of the Catholics, "hardly ever without a plot in his head, and a pen in his hand." He published works against popery, so far as his means would permit. It was the brain of Tonge which conceived the Popish Plot: its public demonstration was entrusted to a more famous colleague, Titus Oates.

Oates was, like his instructor, an English clergyman. In 1678, the year of the plot, Oates was not quite thirty years of age. But already his life was full of adventures, some of which modern canons of taste forbid to tell fully. It does not appear that there is exaggeration in the following account of him, given by L'Estrange: "He never lived anywhere after fourteen, but, whenever he quitted the place, he left the character of an infamous creature

behind him: and at Caius College in Cambridge, Hastings, Bobbing, Valladolid, St Omer, Whitehall, the king's courts of records, and finally at sea under Sir Richard Ruth, as well as at land." While vicar of Bobbing in Kent, he was known for petty thefts, "his neighbours' pigs and hens never escaping his rapacious clutches" till he was "silenced" by the Archbishop of Canterbury. At Hastings he brought an infamous charge against a Mr Parker. The charge was proved to be false. The women of Hastings were so enraged against the accuser, that "they stood at the hall door with rods to whip him, and tubs of water to wash him where bloody, so that they might whip him again." As the result of his false accusation, Oates was thrown into prison, but escaped and fled to London. He next procured employment as chaplain in the Navy. From this he was dismissed for unmentionable offences. In 1677 he turned Catholic. Whether he took this step in pursuance of the design which afterwards brought him fame and competence is uncertain. Doubts may be entertained as to the sincerity of his conversion, as he afterwards averred to Burnet, appealing "to God and His holy angels," that he became a Catholic merely in order to make "discoveries." He was admitted into the community of the Jesuits, and sent to the English seminary at Valladolid. From this he was expelled at the end of October, 1677, and returned to London.

The American University did not then exist, to confer degrees in divinity. But Oates had a simpler and cheaper device. He conferred upon himself the degree of Doctor of Divinity, pretending that it had been granted to him by the University of Salamanca, a pretence indignantly

denied by the University. This degree was the subject of much mirth to his contemporaries :—

> The spirit caught him up, the Lord knows where,
> And gave him his Rabbinical degree
> Unknown to foreign University.

It was the age of anagrams. Here is one "composed by a person of quality" :*

SALAMANKYES DEVILL DOCTOR TITUS OATES.
DISCORD ON A STATE LYE WIL MAKE AL SOTTS.

Oates was as repulsive physically as morally. Masters of the pen, in his own and in succeeding ages have sharpened their quills to give a portrait of this hideous phenomenon, branded with the mark of Cain. "He was a low man" (of low stature) says North, "of an ill-cut, very short neck, and his visage and features were most particular. His mouth was the centre of his face, and a compass there would sweep his nose, forehead, and chin within the perimeter. *Cave quos ipse Deus notavit.* In a word, he was a most consummate cheat, blasphemer, vicious, perjured, impudent and saucy, foul-mouthed wretch." Dryden has sketched him in a few immortal lines :—

> Sunk were his eyes, his voice was harsh and loud,
> Sure signs he neither choleric was nor proud :
> His long chin proved his wit, his saint-like grace
> A church-vermilion, and a Moses' face.

He affected an aristocratic drawl, preserved for us by North—"Aye, Titus Oates, accause Catherine, quean of England, of haigh traison."

He had one accomplishment not noted above. In one of his numerous appearances before the

* Oates's "Manifesto," 1683.

House of Lords he was asked, sympathetically, how many hands he could write? He satisfied the curiosity of noble lords by informing them that he wrote differently accordingly as his pen was, and that, when he saw a hand that pleased him, he endeavoured to imitate the same.

The chief evidence relating to the genesis of the plot was furnished by Simson Tonge, the son of Ezerel. It is difficult to estimate the value of evidence given by one who affirms, recants, re-affirms. The whole story of the birth of the plot is so obscured by minor plots, counter plots, and sham plots, that no safe ground can be discovered. But from young Tonge's admissions may perhaps be extracted something near the truth. If we may believe young Tonge, his father and Oates laid their heads together after Oates's return from Valladolid. They met in the Barbican, at the house of Sir Richard Barker, a physician, where Tonge was living at the time. Sir Richard Barker had presented Oates's father with a living at Hastings, and this naturally brought Oates and Tonge together. Oates was then in very poor case: he told Tonge that he knew not what to do to get bread. Tonge took him home, gave him clothes, lodging and food, and told him he would put him in a way. Tonge's head was, as usual, running on plots. There had been many plots to bring in popery: perhaps it was always the same plot, now burrowing underneath, now showing its head above ground. If Oates would go among the Jesuits and observe their ways, he might find traces of the plot. It would be his preferment for ever. If he could but get names and a little acquaintance with the papists, it would be an easy matter to stir up the people to fear popery. In pursuance of this plan,

Oates again applied to the Jesuits, and was sent to the seminary at St Omer. Once more he was expelled, on June 23, 1678, and returned to London. He brought back slender materials, some names of persons and places, especially one fact and one date, the foundation of an unequalled imposture.

It was known as a matter of conversation in the seminary that on April 24, while Oates was still in the seminary "a consult" of Jesuit fathers was held in London. Tonge proceeded to work up these scanty materials, weaving them, as was said by contemporaries, into a story mainly compiled from older inventions, Mocedo's plot, the plot named after Habernfeld. These and other materials were "pounded by Tonge into one confection." The two were very busy in writing out the story of the plot, and all was ready by the middle of August, 1678. From this time we are on firmer ground, as we have a detailed narrative of the circumstances in which the plot was launched. Tonge was acquainted with a Mr Kirkby, a chemist, sometimes employed in the king's laboratory, and therefore personally known to the king. On August 12 Tonge informed Kirkby of a conspiracy against the king, showing him the narrative, comprised in forty-three articles. Kirkby declared that the matter ought not to be concealed, and undertook to make it known to the king. On the following day, as the king was going into the park, Kirkby handed to him a note. In answer to the king's inquiries, Kirkby told him that his life was every moment in danger: he might be shot even while walking in the park. Later in the day Charles saw Kirkby again, and was then told that two men, Pickering and Grove, were

watching for an opportunity to shoot him, and that Sir George Wakeman, the king's physician, was employed to poison him. As the result of these interviews, Tonge was admitted to see the king, when he presented the forty-three articles of the narrative. Charles told Kirkby and Tonge that he would place the papers in sure hands, and directed them to wait upon the Lord Treasurer Danby. The matter now hung fire: Danby was difficult of access, but sent one of his gentlemen to the chapel of Somerset House, in order to identify Pickering, one of the two commissioned to shoot Charles. Meanwhile Oates was kept in the background: Kirkby saw him for the first time on September 2. Two days later Oates told Kirkby that Father Whitebread, the Provincial of the Jesuits in England, had accused him of having been with the king, and had thereupon given him a beating. It was consequently resolved that Oates should swear his information before a justice of the peace, and on September 6 Oates and Tonge went to Sir Edmund Berry Godfrey for this purpose. The choice of Godfrey had direful consequences. Oates swore his deposition, with the contents of which Godfrey was not acquainted: he was told that it contained matters which it was not convenient to disclose at that time—matters of treason, felony and high crimes. Probably for Godfrey's protection, Tonge at the same time made oath that the matters had been revealed to the king. Kirkby went to Windsor, but the king avoided speaking to him, nor was Kirkby more successful with Lord Danby. Kirkby returned to London, and, for better security, all three went to Kirkby's lodgings at Vauxhall, where Oates employed himself in writing out copies of his deposition. Only on

September 27 was Tonge summoned to the Privy Council. The fact was that the king had formed the conclusion that the whole story was an imposture. He had been helped to this conclusion by the miscarriage of a by-plot. Tonge had told Danby that certain treasonable letters were on their way to Father Bedingfield, the Duke of York's confessor. The Lord Treasurer thereupon took steps to intercept the letters, but Father Bedingfield happening to pass the post office as the mail came in, took the packet addressed to him. Seeing that the letters were forgeries, intended to make mischief, he immediately handed them to the Duke of York.

On September 27, when Tonge was summoned to wait on the Privy Council, he went, accompanied by Oates and Kirkby. The Council had risen, and they were instructed to attend on the morrow. Early the next day all three repaired once more to Sir Edmund Berry Godfrey, who on this occasion insisted on retaining a copy of the fresh deposition, now swollen to eighty-one articles. He thereby learnt the tenor of the deposition. Then, before the Council, Oates detailed the story set out in his depositon. This was afterwards printed, with a dedication to the king, and an address to the "Courteous Reader," signed, "Thy hearty well-wisher and servant in Jesus Christ, Titus Oates." It is a document of immense length and of portentous dullness, filling sixty-eight folio pages, the original forty-three articles being here expanded into eighty-one, followed by a long supplement.

These summarized extracts will give a sufficient idea of this remarkable document.

XI.—Twenty thousand presbyterians are to rise in Scotland. Forty thousand black bills are provided for the Irish Catholic soldiers.

XIX.—Pickering, a lay brother who waited on the Jesuits at Somerset House, was to shoot the king as he walked in St James's Park: the reward, if he came to be executed, 30,000 masses for his soul.

XXVI.—Several attempts were made to assassinate the king in March, as he was walking in the park: once when he was going to Parliament, the assassins being "Honest William" (Grove) and Pickering.

XXVII.—The Irish were resolved to cut the throats of the Protestants again when they rise. They have ready 20,000 foot and 5,000 horse.

XXX.—Dr Stillingfleet, the king's chaplain, to be knocked on the head.

XXXIII.—The sum of £10,000 was to be paid to Sir George Wakeman, the king's physician, to poison the king. The Bishop of Hereford to be assassinated.

XXXIV.—Oates revealed how London was fired by the papists in 1666. The Jesuits made £14,000 out of the fire.

XXXVII.—If Sir George Wakeman refuses to poison the king for £10,000, the sum is to be increased to £15,000.

XL.—Westminster was to be set on fire: if poison would not take the king away, fire should.

XLVI.—Sir George Wakeman had undertaken to poison the king, but "Honest William" and Pickering were not to desist from their plan of assassination.

XLIX.—Oates reveals that the papists fired Southwark in 1676.

LV.—Mr Jennison has boasted that if the king did not become R.C., he should not be C.R. long.

LX.—Oates tells how Coniers, a Benedictine monk, has wagered £100 that the king shall eat no more Christmas pies; 20,000 Catholics to rise in London: if James does not comply with them, to pot he must go also.

LXIII.—The Duke of Ormond to be assassinated.

LXIV.—Four Irish ruffians are hired to kill the king.

LXVIII.—Coniers, a Benedictine monk, laughs at the plan for shooting the king. He has bought a dagger with a blade a foot long, for which he gave ten shillings—nothing could be too dear for the king.

LXIX and LXXI.—Oates reveals plans for firing by means of "Tewkesbury mustard balls," Westminster, Wapping, Tooley Street, Barnaby Street, St Thomas-the-Apostle, the Savoy, the Strand on both sides as far as Charing Cross, Whitehall, King Street, Channel Row. The shipping in the river to be burnt.

LXXIII.—Eight thousand Catholics ready to rise in Scotland.

All this was followed by a sketch of the general design. The king was to be despatched by stabbing: this branch undertaken by Coniers and Anderton, Benedictine monks, and four Irish ruffians. By shooting, for which purpose "Honest William" and Pickering were furnished with jointed carbines. By poison, in respect of which £5,000 had already been paid to Sir George Wakeman in part payment of £15,000. The Duke of York and the Prince of Orange were also to be destroyed, there was to be a general massacre in Ireland, beginning with the Duke of Ormond.

The document concludes with a list of noblemen and gentlemen in the conspiracy, or of those of them whose names occurred to Oates at the time. Two pages are filled with the names of persons destined to fill the high offices of State, or already having received commissions in the army. Two more pages contain a list of conspirators.

The very absurdity of the narrative saved it. It was hardly possible to believe that a man would dare to put forward such a string of wild accusations without some proof. So it was however. Oates swore that he had himself delivered many commissions: many treasonable letters had passed through his hands: he had read many more. But

he was unable to produce a single document. Questioned by the king, he betrayed ignorance of persons and places which should have been fatal to his story. He was saved by his astounding audacity. The story was so absolutely incredible that men thought there must be some truth in it. Oates was sent out with guards to arrest Jesuits and others suspected. Orders were given to seize the papers of Edward Coleman, who had been successively secretary to the Duke and Duchess of York. In Coleman's papers was found matter which, in the temper of the times, was more than enough to condemn him. Coleman, a convert, had more than a convert's zeal. He was a vain, restless busybody, a "pragmatical" man, to use a word then much in favour. He had dreamed of the conversion of England, and, to forward the process, had begged la Chaise, the confessor of the French king, to furnish him with £20,000. "They had a mighty work on their hands," he wrote, "no less than the conversion of three kingdoms, and by that, perhaps, the utter subduing of a pestilent heresy, which had so long domineered over great part of the northern world." Here was matter indeed! But when domiciliary visits brought nothing more, it began to be seen that Coleman's letters furnished no confirmation of the specific charges of Oates. The credit of the informer was falling, when the disappearance of the magistrate who had taken the depositions set all England in a blaze.

But before we come to this it behoves us to consider more closely the revelations made by Oates. Historians have found it impossible to believe in Oates's plot, but have been unwilling to admit that his monstrous fictions have no basis

of truth. They have adopted the conclusion of Dryden:

Some truth there was, but dashed and brewed with lies.

"A plot there was, but not Oates's. There was really and truly a popish plot in being, though not that which Titus Oates and his associates pretended to reveal." So writes Hallam in his "Constitutional History," and to the same purpose have written others. Mr W. D. Christie, in his life of Shaftesbury, says: "The truth as to the plot may fairly be taken to be that there was solid foundation for the charge of a grave conspiracy to substitute the Roman Catholic for the Protestant religion in England, and that there were ideas and plans of wicked men for making way for the quick succession of the Duke of York by murdering Charles." Who were these men, and where is the evidence of their murderous ideas and plans? We have just seen that a part of the plan revealed by Oates was to murder the Duke of York, a strange way of promoting his "quick succession" to anything but his inheritance in the next world!

The question is, had the Popish Plot as revealed by Oates, any objective existence? It is no answer to tell us that there really was a plot, though not Oates's. It was the age of plots, of counter-plots, of sham plots. At his trial, Colledge, the Protestant joiner, averred that the accusation brought against him was the seventeenth or eighteenth sham plot made by the papists to get over their own plot—the Popish Plot.

That there was, on the part of the Catholics, the desire to convert the Protestants, is no doubt quite true. It is as true that the Protestants desired

to convert the Catholics: the penal laws are there to attest the sincerity of the latter desire. To desire to convert others to one's own opinion is natural in regard to all subjects, social, philosophical—of all kinds. If the aim be pursued with good sense and moderation, it is harmless if not laudable. So in the case of religion. But here another and stronger motive comes into play. Every Christian community, from the Catholic to the muggletonian, applies to itself the divine command, "Go ye into all the world, and preach the Gospel to every creature." So strongly is the force of the injunction felt that religious communities which would seem, by insular or political limitations, to be cut off from foreign proselytism, are as eager as the rest in missionary work. Not so to feel would be a subject of just reproach. Each community believes that it is in possession of the means of salvation. It would be criminal to refuse to share with the rest of the world this priceless possession.

But what we have to consider when we are asked, Was there a popish plot? is not, Was there a design to convert England, but, Was there a conspiracy to murder the king and to massacre Protestants, to burn London, to over-run England with foreign armies? It was no belief in a mere design of conversion that turned England into a madhouse, a prison, a slaughter-house. The charter of the Popish Plot is to be sought in Oates's eighty-one articles. The House of Commons resolved, *nemine contradicente*, "That upon the evidence that has already appeared to this House, that this House is of opinion that there hath been, and still is, a damnable and hellish plot, contrived and carried on by the pope's recusants, for the assassinating and murdering the king, and for

subverting the government, and rooting out and destroying the Protestant religion." The House of Lords agreed with the House of Commons in this resolution. Here again was complete unanimity. Not a single voice was raised in dissent, doubt or hesitation.

Again, without a dissenting voice, the House of Commons passed this resolution: "That in defence of the King's person and the Protestant religion, this House doth declare that they will stand by His Majesty with their lives and fortunes: and that if His Majesty should come by any violent death (which God forbid!) that they will revenge it to the utmost upon the papists." The Christian Sunday was appropriately selected for the adoption of this bloodthirsty resolution, in which the legislature declared the intention, not of executing justice, but of exacting revenge to the utmost upon all and sundry. What relation is there between the Popish Plot set out by Oates in his eighty-one articles, accepted by the legislature as true, and Hallam's pale spectre of "a plot which was not Oates's"?

No evidence has ever been adduced to show that there was a plot, either Oates's or another in the remotest degree resembling it. The vast armies of 20,000, 30,000, 50,000 men melted into thin air leaving no trace. A computation was made of the number of troops said to be in readiness to overthrow the Government and bring in popery. They formed a total of 200,000 or 300,000 men, horse, foot and dragoons, besides Spanish pilgrims, French, Flemish and other foreign confederates, ready, most of them, within twenty-four hours: all within ten days. There were corresponding stores of ammunition, weapons, black-bills, fire-balls,

grenado-shells, daggers, mortar-pieces.* Not a single man of these vast hosts was seen by contemporaries: armies and armaments melted away without leaving the smallest trace discoverable by the most careful investigation. Through all the troublous times when belief in the Popish Plot raged, one searches in vain for one act of violence on the part of Catholics. After the lapse of two hundred years, no single document has come to light establishing in any one particular any single article of the eighty-one. Till some such evidence is produced, we have no right to affirm our belief in the Popish Plot, or to do anything but, on the evidence before us, express our entire disbelief in the whole of the monstrous fiction.

To those who believed in a scheme of general massacre of Protestants, beginning with the king, there was naturally a predisposition to believe that Godfrey was murdered by Catholics. Freed from that prepossession, we can now examine the facts.

* Oates's "Manifesto," 1683.

Chapter II—Somerset House

RESULTS alone are for the public. There is some sacrifice of the writer's dignity, and a certain lack of respect for the reader, in a parade of methods of inquiry. But in view of claims recently made in favour of a new method of historical investigation, claims which, as they have not been generally repudiated, might be held to be allowed, it is necessary to say something of methods of inquiry.

At times when the public is greatly interested in the story of an obscure crime, it is not uncommon to hear reflections on the methods supposed to be in a manner peculiar to the police. We are told that it is too much their plan to form a theory on which to conduct their investigations. The guilt of a person is assumed: evidence tending to establish any other conclusion is neglected, while all that can be gathered is twisted and turned to lend support to a foregone conclusion. But it would be a great mistake to assume that such a method is peculiar to the police. The adoption of an hypothesis at the outset of an inquiry is a natural error. It is one of Bacon's "Idols." It is an error excessively difficult to avoid, while it is indeed the very thing against which an inquirer should be especially on his guard. These things are so well known, that they are but truisms which one is almost ashamed to repeat.

All the more surprising is it, therefore, to find it laid down with an air of authority that the pre-

Somerset Water Gate

SOMERSET H

Reduced from L. Knyff's View. Somerset Water Gate is sho

By permission of Messrs Seeley and Co.

HOUSE IN 1714

shown coming down to the Thames on the extreme left of the view

liminary adoption of an hypothesis is the really scientific way of conducting an inquiry. This astonishing position was clearly laid down by the late Mr Samuel Rawson Gardiner, in his historical study, "What Gunpowder Plot was," published in 1897. "What I do complain of," says Mr Gardiner, "is, that Father Gerard has not started any single hypothesis wherewith to test the evidence on which he relies, and has thereby neglected the most potent instrument of historical investigation. When a door-key is missing, the householder does not lose time in deploring the intricacy of the lock: he tries every key at his disposal, to see whether it will fit the wards, and only sends for the locksmith when he finds that his own keys are useless. So it is with historical inquiry. . . . Try, if need be, one hypothesis after another."

The metaphor seems to be particularly unhappy. The key selected from the housekeeper's bunch will either succeed or fail; the result will be manifest and indisputable. Either the door will remain closed, or it will open when the lock has yielded. No such unquestionable result is to be expected in dealing with matters of history. But the metaphor is otherwise defective. It admits that there is a less fallible method than fumbling with a bunch of miscellaneous keys. Why not send at once for the locksmith? If the problem is worth attacking, why not employ the best methods of solution? We may not have the locksmith's skill, but we can imitate his ways, or, at a pinch, we may not be above taking a hint from the burglar. There appeared in the newspapers a while ago, the account of the capture of a gang of accomplished scoundrels. Among their arts was that of pick-

ing locks. "On one of the prisoners was found a piece of specially prepared wax. M. Hamard, the head of the *Sûreté*, showed it to me," says the writer, "saying that the cleverest thieves use it for filling key-holes; subsequently getting keys made from the impression." A happier metaphor might have been taken from this incident. The impressions left on the wax stand for those left on the mind after being brought into intimate contact with the facts. The hypothesis should be left to form itself from minute study of the facts. The two methods of inquiry have been admirably characterized by L'Estrange, who himself conducted an elaborate investigation into the case of Sir Edmund Berry Godfrey: "They began effectually at the wrong end, and, by an inverted way of reasoning, instead of drawing conclusions from premisses, their business was subsequently to frame and accommodate premisses to a fore-laid conclusion."

If one may venture to say so, the new theory of historical investigation seems to be based on a misconception of the use of the hypothesis in physics. In physics, the hypothesis is used only with the view of supplying probable antecedents to facts established by experiment. The new theory adopts the hypothesis as a guide to the interpretation of facts in course of examination. The inquirer who adopts this method has, in reality, formed his conclusions before complete study of the case to be investigated.

It is necessary to say so much, because Mr Gardiner's theory of historical investigation has been adopted by the author of a recent history of the Popish Plot. Mr Pollock complains that historians "have arrived at their conclusions by considering the balance of general probability in the

matter." "No one," he laments, "has formed an hypothesis to explain the facts." It would seem that we are threatened with the general adoption of the vicious system of first forming conclusions and afterwards finding reasons for them. It is the business of the inquirer to keep an open mind; not to let the least fact go unexamined; to resist to the best of his ability, the natural tendency to form an opinion before the study of the problem is completed; to follow warily paths that open to right and left as he feels his way, always ready to turn back as soon as it is clear that the path leads nowhere; to note all that seems pertinent, perhaps to lay much aside, while still remembering that further investigation may lend a new significance to what at first seemed trivial. To give one instance as an example. In the present case, the murder of Godfrey, the inquirer, while paying all due respect to the opinions formed by predecessors, will naturally give greater attention to the facts recorded by contemporary writers. He will, for instance, read attentively all that was written by Burnet. The body of Godfrey was really found at the foot of Primrose Hill. Burnet alone describes the place as near St Pancras Church. This is, of course, the old church. The inquirer will recollect, or will easily discover, that at this time there was settled near St Pancras a colony of lawless persons. Here is, perhaps, a clue; on the other hand, it may be merely that Burnet mentioned as an indication the nearest public building. The inquirer will not at once reject Burnet's statement; still less will he adopt it as an hypothesis. He will keep the statement in his memory, watching to see whether his investigaton brings to view any facts tending to establish a

connection between the disappearance of Godfrey and this lawless gang. Similar things will occur constantly, and must be treated in the same way. All this is infinitely more difficult than the new plan of starting with an hypothesis and attempting to bring facts into harmony with it. But it may be asserted, against the authority of Mr Gardiner, that it is the only method which will give trustworthy results. We may, after all, have to decide that lack of evidence, the contradictions of testimony, obscurity where light is most needed—that all these things make it impossible for us to say more than that a certain degree of probability leans this way or that. Nor can we think that in this event the inquirer is disgraced by what Mr Gardiner calls an exercise of "the right to call the public to witness your avowal of incompetence to solve the problem."

But it is not possible to state more clearly the objections to the hypothetical method of inquiry than has been done by its exponent, Professor Gardiner, who writes: "Nothing—as I have learnt by experience—is so likely as a false theory to blind the eyes to existing evidence." *

Enough and more than enough of methods; let us address ourselves to the actual inquiry.

But before we enter on an examination of the whole of the facts, it is necessary to take account of the judgements recorded by contemporary tribunals. On February 10, 1679, three men, Green, Berry and Hill, were tried for the murder of Godfrey before the Lord Chief Justice Scroggs and the rest of His Majesty's judges, and, "upon full evidence, they were convicted." Green was "an ancient and feeble man," who held the humble office of

* "What Gunpowder Plot Was," p. 107.

cushion keeper in the Catholic queen's chapel in Somerset House; Berry was the gate-keeper; Hill, the servant of a doctor living in the palace. All three were found guilty. The Lord Chief Justice expressed his entire concurrence in the verdict. "Gentlemen, you have found the same verdict that I would have found if I had been one with you, and if it were the last word I were to speak in this world, I should have pronounced them guilty." The public accepted the verdict. "At which words," says the authorized report of the trial, "the whole assembly gave a great shout of applause."

Four years later, three men, Nathaniel Thompson, William Pain and John Farwell, were tried for calling in question the justice of the conviction of Green, Berry and Hill. They were found guilty of "libelling the justice of the nation," and paid the penalty of their crime by fine, imprisonment and exposure in the pillory. No case had ever more completely at its back the authority of the "chose jugée." Our first business, therefore, must be to examine the case on which these three men, Green, Berry and Hill, were condemned. The result of our inquiry may be in accord with the judgment of the law; if so, there will be no need to pursue the inquiry further. Only if we cannot accept the verdict, will it be necessary to carry the inquiry into a wider field. For the present it will suffice to tell, as simply as possible, the facts as brought out at the trial.

Sir Edmund Berry Godfrey left his house in Hartshorn Lane, Strand (afterwards Northumberland Street), early in the morning of Saturday, October 12, 1678. On the following Thursday, the 17th, his body was discovered in a ditch at the foot of Primrose Hill. Money was in the pockets; rings

were on the fingers. The body was transfixed by Godfrey's own sword. Clearly, he had come by a violent death; not, it would seem, at the hands of robbers. A coroner's inquest was held on the 18th and 19th: the verdict given was that Godfrey was murdered by strangulation, not by the sword. No discovery of the murderers having been made, a royal proclamation was issued on the 20th, offering a reward of £500 for their discovery. This was followed on the 24th by a second proclamation promising pardon and protection to informers. A few days later William Bedloe came forward to claim the reward.

Bedloe, who, without any claim to the title, called himself Captain, was of humble birth. He began life as an errand boy; from this he became a foot-boy. He thus learnt the names of persons of rank, their dwellings and connections; knowledge which he afterwards turned to excellent account. His great resource was to personate men of rank; sometimes he travelled with a brother, and, as occasion required, the two exchanged the parts of master and man. Bedloe was an adept at getting on credit watches, clothes, horses, money. He was known as a cheat in several countries of Europe. He had passed himself off as Lord Cornwallis, Lord Gerard, Lord Newport. "He lived," says L'Estrange, "like a wild Arab, upon the prey and the ramble; and wherever he was, in Flanders, France, Spain or England, he never failed of leaving the footsteps and the reputation of a prostitute cheat behind him. He was hardly ever at home but in a prison; nor in his element, as they say, any longer than he was in the king's highway to it; that is to say, he was still doing somewhat or other contrary to law, honesty or good manners,"

Bedloe had been released from the Marshalsea towards the end of June, 1678, after six months' imprisonment, during which he "lived on the basket," on the alms of the charitable. He was now to enter on a more notable career.

On October 30 Bedloe wrote to Secretary Coventry from Newbury, being then on his way to Bristol, desiring that an order might be sent to the Mayor of Bristol to send him back to London to the Secretary. He was accordingly sent back in due course, was examined by the Council, and afterwards appeared before the House of Lords and the House of Commons. Even before Bedloe's arrival in London, a false accusation had been made against Samuel Atkins, a clerk of Pepys, with the object of bringing clerk and master into complicity with the murderers of Godfrey. As the accusation failed, it does not concern us further here, though we shall have to recur to it. Except for this no additional discovery was made till December 21.

Miles Prance, a silversmith, carried on business in Princes Street, a turning out of Drury Lane. His trade lay chiefly among Catholics, the queen was his most distinguished customer. Prance had a lodger, Wren, who was in arrear with his rent. Prance pressing for payment, Wren muttered threats, and presently Prance was arrested on suspicion. While under arrest, and waiting to be examined by the Committee of the House of Commons, Prance was seen by Bedloe, who declared that he had been concerned in the murder of Godfrey. Prance was immediately thrown into prison. This was on December 21. On the 23rd Prance made a "discovery", and was examined on the following day. Between the 25th

and 28th he was visited in Newgate by members of both Houses of Parliament. On the 29th he was brought before the Council, when he desired to see the king. He threw himself on his knees before Charles and retracted all that he had stated. "Is it so upon your salvation?" asked the king. "Upon my salvation," replied Prance. He was hurried back to prison. Here he was visited by his friend Boyce, who afterwards wrote a narrative telling of his share in the transaction. He says: "That I was a faithful instrument to procure the discovery of that inhuman and deeply meditated murder is a thing well known to many, as having been particularly employed by his Majesty and the Council to persuade Mr Prance to discharge the conscience of a Christian by making a true confession." Dr Lloyd, the vicar of St Martin's in the Fields, described by Burnet as "the most zealous man against popery that I ever knew yet," was also a visitor to Prance. Prance had been put into heavy irons: he was nearly dead with cold. His resolution was not proof against this treatment, the result of which, on "a white-livered man of no principles" was foreseen by Lloyd. On January 11, 1679, thirteen days after he had vainly sought the protection of the king, Prance finally stood to his original confession.

The deposition of Bedloe was given in full before the House of Lords on November 8: that of Prance on December 23. The whole case for the murder of Godfrey in Somerset House rests on these two depositions, and on the evidence of the same men given before the judges.

Before investigating the story of the murder in Somerset House, it is necessary to form some idea of the palace, then inhabited by the queen.

It was, of course, the old Somerset House, destroyed in 1775, to make way for the present building. Dr Heylin gives, in his "Ecclesia Restaurata," a full account of the manner in which the Lord Protector Somerset went to work to build him a palace. As the sub-dean of Westminster Abbey, Heylin wrote with knowledge of some of the Protector's doings. There is, moreover, a certain fitness in quoting a work which achieved the singular, and, in the circumstances, we may perhaps say, the lamentable result of converting James, duke of York, and his first duchess to Catholicism.

The Protector at first designed to pull down Westminster Abbey and to build a palace on its site. To dissuade him from this design it was necessary to grant to him or to his friends long leases of more than thirty manors: nor would this suffice, till the manor of Islip had been thrown into the scale. These transactions so weighed on the mind of Benson, the first dean, that "he fell into a great disquiet of mind, which brought him to his death within few months after." Bought off here, the Protector "casts his eye upon a piece of ground in the Strand, on which stood three episcopal houses and one parish church, dedicated to the Virgin Mary: the houses belonging to the bishops of Worcester, Lichfield and Llandaff. All these he takes into his hands, the owners not daring to oppose, and therefore willingly consenting to it." Heylin goes on to tell how the Protector next turned his attention to the procurement of materials for building. He set on workmen to pull down the church of St Margaret's, Westminster; but the parishioners "gathered together in great multitudes with bows and arrows, staves and clubs and other such offensive weapons, which so terrified the

workmen, that they ran away in great amazement, and never could be brought again upon that employment." Somerset then looked around for "superstitious buildings," and took the materials of a goodly cloister on the north side of St Paul's, a fair charnel house, and a chapel on the south side. Then he blew up with gunpowder the steeple and most part of the church of St John of Jerusalem. "Such," concludes Heylin, "was the ground, and such were the materials of the Duke's new palace, called Somerset House."*

A description of the palace is given in Strype's edition of Stow, published in 1720. "At the entrance into the court out of the Strand is a spacious square court, garnished on all sides with rows of free-stone buildings, and at the front is a piazza,† with stone pillars which support the buildings, and a pavement of free-stone. Which said place leadeth into the great hall, or guard-room, and so into other rooms, ascending up by a large staircase into the rooms of state. Besides this first court are other large ones, which are descended towards the river by spacious stairs of free-stone. The outward beauty of this court appears by a view from the water, having a good front, and a most pleasant garden, which runs to the water-side. More westwards is a large yard, adjoining to the Savoy, made use of for the coach-houses and stables; at the bottom of which is a pair of stairs, much used by watermen, this being a noted place for landing and taking water at."

* See also Stow's "Annals," Ed. 1615, p. 596.

†Piazza here means a covered way—an open arcade. It is a singular instance of a perversion of meaning. Piazza is, of course, an open space or square. The word was then applied to the open arcades on the north and east sides of Covent Garden

The upper court was about 100 feet deep from north to south, and 80 feet wide from east to west. In the following accounts the piazza is sometimes called "the cloister." It must be understood that when "Somerset Water-gate" is here mentioned, the gate is meant which gave access from the Strand to the large yard to the west of Somerset House. The name perhaps included the passage or yard between the Strand and the Thames. Later, as in Strype's map, and in Noorthouck's "New History of London," 1773, the yard is called Somerset Yard. It is necessary to say this lest the reader should suppose that when Somerset Water-gate is mentioned the reference is to the water-gate and stairs in the middle of the river front of Somerset House. The reader will of course bear in mind that the old Somerset House, as the new, till the construction of the embankment, was actually on the bank of the river. The coach-houses and stables were those of the palace: Somerset Yard contained also a guard-room for the soldiers on duty at the palace. The entry into Somerset Yard from the Strand seems to have been closed by a gate, in which was a small door or wicket.* Above the gate was a porter's lodge, with a window looking on to the yard. The descent into the yard from the Strand was steep, and was furnished with a rail. In the Strand, almost opposite to the entrance to the upper court of Somerset House, was a watch-house, "for the better security of the streets at night," says Strype, "being so great a thorough-

Market-place, built by Inigo Jones. The northern side now alone remains. In the Post Office Directory this is called "Piazzas," in the plural, so that each house is now a "Piazza."

* Sir Roger L'Estrange, "Brief History of the Times," iii, 133.

fare." The approach to Waterloo bridge now interposes a considerable distance between Somerset House and the Savoy, but at the time of which we are treating, Somerset Yard was separated from the Savoy only by a narrow lane, Duchy Lane. In the Savoy, at the time of the Popish Plot, was a convent of Benedictine monks, established apparently by Charles II in 1661.*

We shall now be better able to understand the depositions of Bedloe and Prance, here given as they appear in the Journals of the House of Lords. The spelling of the names is retained. Le Fevre and Lee Phaire are, of course, the same person.

DEPOSITION OF BEDLOE.

[Journals of the House of Lords, xiii, 343; November 8, 1678.]

"The Lord Treasurer reported by His Majesty's directions: That yesterday, one William Bedlowe was examined, at Whitehall, concerning the discovery of the murder of Sir Edmond Bury Godfrey, and that His Majesty had given order he should be brought to give this House an account thereof.

"Who, being brought to the Bar, and had his oath given him, made a large narrative to this effect:

"That he was born in Monmouthshire, and was of the Church of England till within these two years, that by persuasion and promises of the Jesuits he was drawn over to them; that he is not in Orders. He knows that Sir Edmond Bury Godfrey was murdered in Somerset House on the Saturday by Charles Walsh and — Le Fevre, Jesuits, and two laymen, one a gentleman that waits on Lord

* Weldon, "Chronicles of the English Benedictine Monks," p. 196.

Bellasis, the other an under-waiter in the Queen's Chapel. That he saw the body of Sir Edmond Bury Godfrey after he was murdered, before he was carried out; and Le Fevre told him he was stifled between two pillows, and he was offered two thousand guineas to be one of the three to carry out the body, which was kept either in the room or the next where the Duke of Albemarle lay in state; That the chairmen who carried out the body on Monday night, at nine of the clock, are retainers to Somerset House, but he knows them not.

"He saith That Walsh, Le Fevre and Pritchard told him that the Lord Bellasis employed them in this business.

"He said, further, That Walsh and Le Fevre informed him that the Lord Bellasis had a commission to command forces in the North, the Earl Powis in South Wales, and the Lord Arundell of Warder had a commission from the Pope to grant commissions to whom he pleased; That Coleman had been a great agitator in the design against the King; and that he, asking the Jesuits why they had not formerly told him what they designed concerning the King's death? they answered him that none but whom the Lord Bellasis gave directions for were to know of it."

[xiii, 350-1; November 12, 1678.]

"Then the examinations, taken November 8th, 1678, at the Committee of Lords, for enquiring into the murder of Sir Edmond Bury Godfrey, were read as followeth:

"William Bedloe, being sworn in the Lords' House, was called in and examined; saith on his oath, That this examinant, being treated with by Mr Lee Phaire and Mr Walsh, who are two Jesuits,

about the beginning of October last, they offered him a reward of four thousand pounds if he would be one of the four or six that should kill a man that was a great obstacle of their design. He, this deponent, promised to be one to do it, upon their giving him notice. Afterwards (videlicet, the Friday before Sir Edmond Bury Godfrey was missing) Mr Lee Phaire met him, this deponent, about four of the clock, in Gray's Inn Walks, and appointed to meet him again in the same place about four of the clock on the next day to do that business: that upon taking the sacrament to do it, he, this deponent, should have the money paid to himself or to any friend he should name. But he, this deponent, not liking the design, failed of meeting of him. The next night after, being Sunday, he met Mr Lee Phaire again, by accident, in Fleet Street, going into Red Lion Court, about five of the clock. Mr Lee Phaire then desired him not to fail of meeting him the next night (being Monday), about the same hour, at the Palsgrave's Head Tavern, that he might employ this deponent in some other special business. But this deponent came rarer [sic] than the time appointed, and so failed to meet him there, but left word at the bar of that tavern that he would meet him at eight of the clock, in the cloister of Somerset House Court: and, accordingly, betwixt eight and nine of the clock, this deponent came thither, and found Lee Phaire walking there, who said he had stayed almost an hour for him. They passed the time there about half an hour, Lee Phaire telling him how much the Church of Rome and the Pope were obliged to him, and what rewards he should have for his secrecy and fidelity to them.

"Afterwards he desired him, this deponent, to walk into the midst of the Court, where he, the said

Lee Phaire, might say something to this deponent, and nobody overhear it: and there he told this deponent That the person who he was to kill was killed, and his body then lay in Somerset House: and that he did believe that the excuse which this deponent had made him before, for not coming to the murdering of him, was real: and that he knew his fidelity was such, that he should have half the reward if he would help to carry the body to a place where they had chose to lay him.

"This deponent asked to know, first, Who were to be the persons that were to go with him? Lee Phaire told him, They were himself, Mr Walsh the Lord Bellasis's gentleman), Mr Atkins (Pepis's clerk), and one that he hath often seen in the Queen's chapel, and did believe to be one that belonged to the chapel. Then Lee Phaire brought this deponent by the hand, in the dark, through the entry, into that room which he showed the Duke of Monmouth, and knocked softly with his finger at the door: and when it was opened, Lee Phaire led this deponent into it, which was dark. Lee Phaire then pulled a dark lantern from under his coat, and showed a small light in the room, where this deponent saw the persons he before named: of whom this deponent knew Lee Phaire, Mr Walsh, and the other person he saw often in the chapel: and the other two owned themselves the one to be the Lord Bellasis's servant, and the other to be Mr Atkins (Pepis's clerk).

"And this deponent saith, That they did agree to carry the body in a chair to the corner of Clarendon House, and there to put him in a coach, to carry him to the place where he was found. Having concluded this, they agreed to carry him off at eleven of the clock the same night. Then

some of them turning about, they throwed off a cloak that lay upon him, and showed this deponent the body. This deponent asked them, 'Who it was? They told him, It was an old man, that belonged to a person of quality who had taken some examinations tending to discovery of their design. This deponent asked them further, Why it was not more proper to kill the person of quality himself? They answered, No, for this man had the examinations in his own custody: and that their design of getting him thither was to get him to send for them by fair means or foul: and then they did not question but the next examination would be so contrary to that, that it should appear upon their trials two several stories: and when they should be brought to trial upon the latter examination, they would produce the former, to contradict it, that it might seem partiality to the world. Upon which reasons this deponent seemed satisfied, and asked them, Where they killed him? They told him, At Somerset House.

"Then this deponent begged their pardon for half an hour, and he would wait upon them again. But this deponent went away, and came no more. But the next day, about eleven of the clock, this deponent met Lee Phaire, by accident, crossing Lincoln's Inn Fields: and they then went together unto the Greyhound Tavern in Fleet Street. Lee Phaire (putting his cane up to his nose) said, He had something to say to him. Lee Phaire there charged this deponent for not coming the last night according to his promise. This deponent told him, He was unwilling to come, because he knew the person. Lee Phaire asked him then, Who it was? This deponent told him, It was

Justice Godfrey. Lee Phaire then acknowledged it was so: and he was willing to dispense with this deponent's not coming, if he would assure him of his fidelity.

"This deponent then asked Lee Phaire, How they got him thither, and where they found him? Lee Phaire told him, That himself, Walsh and the Lord Bellasis's gentleman, met him by the King's Head in the Strand, crossing the street, in the evening, before five of the clock: and told him, That if he would please to go with them so far as Strand Bridge, they would bring him to a place near St Clement's Church, where there were a company met, principal plotters of that design against the King: and there (if he would go presently) he might take them and the principal of their papers. He answered, That he thought it not convenient to go himself: but he would send his warrant, and the constable. They told him, If he did make so much delay, they might be gone: and that if he would walk up so far as Strand Bridge, one of them would go and call a constable to him there: and he might give his order presently. Whereupon, he walked with them so far as Somerset House: and there they made a halt. They told him, It would be less observed, if he walked in Somerset House, than to stand in the street. And thereupon two of them walked in with him, and the other pretended to go call a constable: and when they had walked a turn or two in the Court, two more persons came forth, and shoved him into a room: and when they had him secure there, they held a pistol to him, threatening, If he made a noise, they would shoot him: but, if he would answer their expectations, they would do him no harm.

Then they asked him, To send for those examinations he had taken, about those that were committed. He answered, They were not in his power: for he had sent them to Whitehall. Upon that, and his refusing to answer other questions, they seized him, and stifled him with a pillow: and so they thought he had been dead: but, coming into the room some time after, they found him struggling, and then they strangled him with a long cravat (which cravat this deponent saw the Monday at night about his neck). Then this deponent asked Lee Phaire, Why they carried him into the fields, or what they designed by it? He answered, That they had made a wound in his body, and laid his sword by him, that it should seem he had killed himself: and that they did not question that the discovery of killing him would ever have been made: neither did they doubt but that their design would have its effect. Then Lee Phaire told this deponent, That, as he would be answerable to Christ Jesus at the Last Day, he should be faithful to the cause. And so they parted."

DEPOSITION OF PRANCE

[Journals of the House of Lords, xiii, 431. Dec. 23, 1678.]

"Forasmuch as the House was this day informed, That Miles Prance hath made some discovery of the plot, and hath offered to make further discovery of the plot, and also touching the death of Sir Edmond Bury Godfrey, and the whole manner of it, if he might first be fully assured of His Majesty's gracious and general pardon: The Lords appointed the Duke of Bucks, the Marquis of Winchester, the Earl of Shaftes-

bury, and the Lord Grey of Warke, to attend His Majesty to acquaint him with this matter: and, in the name of this House, humbly to desire him to grant to the said Miles Prance his gracious pardon, upon his full discovery, and receive his gracious pleasure thereupon.

"Who immediately attended his Majesty: and, returning, did report to the House, That his Majesty was graciously pleased to promise that Miles Prance shall have a full and general pardon upon his discovery of the whole matter.

"[Whereupon it was ordered that the above-named Lords, or any three of them, should acquaint Miles Prance this afternoon with his Majesty's gracious assurance, and] That they do then and there proceed to examine him thoroughly, in order to a full and perfect discovery: and that care be taken, that no other person, Lord or Commoner, be present at the said examination, but the said Lords and the prisoner."

[Journals of the House of Lords, xiii, 436-8; December 26, 1678.]

"The Duke of Monmouth, by his Majesty's command, communicated to the House the examinations of Miles Prance and others, taken at the Council table: which were read as followeth:

"24th December 1678. Miles Prance, a silversmith, being this day examined at large, touching the murder of Sir Edmond-bury Godfrey, and being upon oath interrogated what he knew concerning the plot, made answer as followeth:

[Deposition relating to the plot here omitted.]

"Council Chamber, 24th December, 1678.

"His Majesty having this morning appointed a Council Extraordinary, sent for Miles Prance, a silversmith, and prisoner in Newgate, for the

murder of Sir Edmond-bury Godfrey: who appearing at the Board, his Majesty was pleased to tell him, That if he spoke the truth, and made it good, he would give him his pardon. And the said Prance, being sworn, did promise that he would faithfully open all his knowledge concerning that murder: and did declare to the effect following:

"That about a fortnight before the said murder, he was spoken to by one Gerald, an Irish priest that belonged to the Venetian Ambassador, to take part in the killing of a man, not then telling him who it was: but, about a week after, the said Gerald and one Greene, an Irishman (that lays cushions in the Chapel at Somerset House), and Lawrence Hill that was formerly servant to Doctor Gawden (and who then lived at the same place in Somerset House), did acquaint him That they intended to kill Sir Edmond-bury Godfrey: for that he was a great enemy to the Queen or her servants, and that he had used some Irishmen ill, and that Gerald told him That they were employed by the Lord Bellasis, and that there would be a reward for them. That he did consent hereunto: and the rather for some malice he bore to Sir Edmond, who, about two years before (when he was troubled at Hicks' Hall about parish duties), did not consent to his discharge, as another Justice did, but said That the Queen had no power of protecting her servants. Yet that, until this motion was made him, he did not think of what had thus formerly passed. He said, They had been watching him a week or a fortnight before his death, and that Greene had the same morning called at his house, enquiring for him of the maid, and that the said Greene, Gerald and Hill did dodge him

from the house that morning to all the places he went to, until he came to his death.

"And because his Majesty thought fit, for the better ascertaining the relation he gave touching the place and manner thereof, to appoint his Grace the Duke of Monmouth and the Earl of Ossory to meet the examinant at Somerset House, and a clerk of the Council to attend, and take the information from place to place where the things were acted; his Majesty did, in the afternoon, sitting in Council, receive the following report:

"May it please your Majesty:

"In obedience to your Majesty's order, signified to us this morning in Council, we have been at Somerset House, and there taken the examination of Miles Prance, a silversmith, touching the murder of Sir Edmond-bury Godfrey, upon the place where the same was committed, and, in virtue of the oath taken before your Majesty, he declared as followeth:

"That it was either at the latter end or the beginning of a week, that Sir Ed. Godfrey did, about nine of the clock at night, pass from towards St Clement's, as far as the Great Water Gate of Somerset House, being watched and followed by Lawrence Hill, one Greene and one Gerald: That Hill, making some haste before, stept within the wicket, which was open: and turning soon out again, called to Sir Edmond as he was passing, and said, That there were two men quarrelling within, who might soon be quieted, if once they saw him: Whereupon he entered through the wicket, and after him Greene and Gerald: and down all went till they came to a bench that is at the bottom of the steep descent, and joining to a rail next to the upper end of the stables on the

right hand: That upon the said bench, there were sitting, and attending their coming, the examinant Miles Prance, one Berry the porter of the other gate, together with an Irishman that lodged at Greene's house, whose name he knows not: and by that time they were come half way down, he the said Prance went up to the wicket, there to attend and give notice if any came: and at the same time the said Berry went straight on from the bench towards the stone stairs which lead to the Upper Court: That when Sir Edmondbury Godfrey came down to the bench, Greene, who followed him, put about his neck a large twisted handkerchief: and thereupon all the rest assisted, and dragged him into a corner which is behind the said bench and the said rail: and Greene, who informed him in the manner hereof, and with whom he had before seen the said large twisted handkerchief, added, That he had thumped him on the breast and twisted his neck until he broke it.

"And the examinant saith, That he did, in about a quarter of an hour after he had been standing at the wicket, come down to see what was done, and found that they had throttled him, but his body remained warm, and seemed hardly dead: But he, together with the said Hill, Greene, Gerald, Berry and the Irishman, took him up, and conveyed him through a door, which is on the left hand coming down at the corner of the coach houses, which leads up several stairs into a long dark passage or gallery, opening at last into the Upper Court: in which passage there is a door on the left hand, which being opened, leads up with eight stairs into another house adjoining: but immediately on the right hand, being got up,

there is a little closet or square room, into which they conveyed the body, and there set the body bending with the back against the bed: which the examinant, having now seen again, thinks to be the same bed that was there at the said time. He further saith, That Hill lived at this house, and that the body was for two days left there in in his care: but then, being afraid of discovery, Hill, Gerald, Greene, Berry and the Irishman, as they told him, did take and convey the body from thence about nine or ten of the clock at night, and carried it into the house, and into some room towards the garden: and that, while the body lay there, he was by Hill conducted to see it, and saw the body as it lay bended: and Greene and Gerald were present.

"That from thence, upon a Tuesday night, the body was brought back near to the place where first it lay, into a room in the said gallery over against the first door, somewhat higher up towards the Court, the chamber belonging to some of the servants of Sir John Arundell, where it remained until nine or ten of the clock on Wednesday night: and then, thinking fit to remove it to the little room where first it lay, the examinant happened to come as they were lifting it up the said eight steps: whereupon Hill and Berry fled, as supposing him to be some stranger: But Gerald, Greene and the Irishman stood still: and so he helped them to lift up the body into the former closet: and there it continued till after twelve a clock the same Wednesday night. Hill and Berry came to them when their fright was over: and Hill having got a sedan, and placing it in the long dark entry, at the foot of the said eight stairs, they put the body thereinto. The exami-

nant Prance and Gerald first took up the chair, and conveyed it through the Upper Court: Berry the porter opened half the gate, and let them out: and they rested not till they came to Covent Garden, where Greene and another Irishman took their turns, and so carried the sedan and body in it as far as the new Grecian Church in the Soho: and there Hill met them with a horse: Whereupon they took out the body, and, forcing open the legs, they set it upon the horse: Hill riding behind to keep the body up, while Greene, Gerald and the Irishman, went on to accompany him. Berry the porter did not depart from the gate: and the examinant Prance, fearing to be missed, returned home when the body was set on horseback: and the sedan, which was left in one of the new unfinished houses, they took up, and brought it home, as they came back.

"He further saith, That the body lay in Somerset House about six or seven days before it was carried out: but he is not certain in the number of the days.

"He was very positive as to the place where the murder was committed, and the manner of it, as also for the room where the body was first laid: but, being desired to conduct us to the room he spoke of near the garden, he led us to the corner of the piazza on the left hand, and so down a pair of stairs: and so far seemed to be assured that he had been led, and did think that he had passed through the great court below: but when from thence we went up and down into several rooms, he seemed very doubtful, and could not ascertain the place, saying, That he had never been there but that once, when Hill conveyed him thither, with a dark lanthorn: but that it was some chamber towards the garden.

"In the house where the body was first laid, we found a woman, whose deposition we have taken. She was housekeeper to Dr Godwin, and the said Hill had been a servant to the said Doctor in this house for above seven years, and continued to live there, since the Doctor's departure, until Michaelmas last: but that he hath been there several times since: And she also knew the examinant, and called him by his name.

"All which is humbly submitted to your Majesty.

MONMOUTH.
OSSORY.

"24 *December*, 1678.

"Upon reading of which report, it appeared that the particulars were very consonant to what he had spoke at the Board in the morning, before his going. At which time, being also further asked, Why he gave so different relation to the Committee of the Lords, from what he now so freely confessed? He made answer, That he was in much confusion before the Committee, being not sure of his pardon: but now, being sure of it, and also upon his oath, he did speak the whole truth according to his knowledge. And being then further asked, Why he came not in upon the proclamation, and the rewards thereof? He said, He was afraid to trust thereunto. And being further asked, What reward he had received from those that employed him? He said, He had yet received no reward, nor had he sought for any, but only the promise of Gerald, that there should be a reward by the Lord Bellasis. He says, That he wrought in the way of his trade to the Queen's Chapel, and was a Roman Catholic: but that about eight weeks ago, he had taken the oaths.

Being asked, Whether there were no guards in the usual places at the time of carrying on this work? He says, He did not take notice of any. And being asked, Whether he saw Bedloe, when he was carried to see the body when it lay in the back chamber, near the garden? He answered, That he could not tell whether Bedloe were there or no: but does well remember that Gerald and Greene were then present. He adds, That Hill, Greene and Gerald told him that they had, at Primrose Hill, thrust Sir Edmund's sword through his body, till it came an inch out at his back: and that he struggled very much at the time they strangled him: but that Greene punched him with his knees upon his body, to hasten his death."

One cannot read these depositions in the most cursory way without being struck by the want of agreement between two men supposed to be telling the story of the same event. The leading discrepancies—we need to deal with them only—are best shown by giving the substance of the two depositions in parallel columns. The form is copied from Ralph (*History*, I, pp. 419-420), the details of his summary being altered. It is interesting to find a writer of the eighteenth century employing the device, well known to modern journalists, of "the deadly parallel."

Bedloe's Deposition	Prance's Deposition
1. The papists resolved to take away the life of Sir Edmund Berry Godfrey, because he was a great obstacle to their design.	1. The papists resolved to take away the life of Sir Edmund Berry Godfrey, because he was a great enemy to the queen or her servants.

2. Pursuant to which design, Bedloe was to have £4,000 if he would be one of four or six to do the deed, the others being Le Fèvre, Walsh, Pritchard and Lord Bellasis's servant. Afterwards Bedloe was offered 2,000 guineas to be one of three to carry out the body.

3. Accordingly, the above-named persons decoyed Sir Edmund into the upper court of Somerset House, about five o'clock in the afternoon of Saturday, October 12, 1678.

4. The decoy was effected thus:—Walsh and Lord Bellasis's servant met Sir Edmund near the King's Head in the Strand, before five, and decoyed him into Somerset House on pretence of apprehending some plotters.

5. When they had him in the Upper great court, they thrust him into a room, put a pistol to him, threatened him

2. Pursuant to which design, they hired Green, Gerald and Hill to do the deed, the reward not mentioned specifically. Prance agreed to assist because —although he had forgotten it—"he bore some malice to Sir Edmund."

3. Accordingly, the above-named persons decoyed Sir Edmund Berry Godfrey into Somerset House Water Gate, about nine o'clock at night, at the latter end or beginning of a week.

4. The decoy was effected thus:—Gerald and Hill dogged Sir Edmund all day, and Hill decoyed him down the Water-gate on pretence of stopping a fray between two men quarrelling in the yard.

5. When they had got him to a bench next to the upper end of the stables, at the bottom of the steep descent,

if he made a noise, and on his failing to produce papers and to answer questions, stifled him with a pillow, and finding him still alive, strangled him with a long cravat.

6. On the following Monday, between 8 and 9 o'clock at night, the body was shown to deponent by Le Fèvre, in a room in the Upper court; the deponent saw it by the light of a dark lanthorn, in the presence of Le Fèvre, Walsh, Atkins, Lord Bellasis's servant and one other person.

7. On the same Monday, at 11 o'clock at night, the body was carried in a chair to the corner of Clarendon House, in Piccadilly, and thence conveyed in a coach to Primrose Hill, where they made a wound in the body, and laid the sword by its side.

Green strangled him with a twisted handkerchief; then, finding him still alive, wrung his neck quite round, and punched him with his knees in the open yard; which done, they dragged him into Dr Godwin's lodgings.

6. On the following Wednesday, between 9 and 10 at night, Prance helped to move the body, there being present Green, Hill, Berry, Gerald and the Irishman (Kelly).

7. On Wednesday night, after 12 o'clock, the body was put into a sedan-chair, and carried by the deponent and Gerald as far as Covent Garden; then Green and Kelly took their turns; and so to the new Grecian church in Soho. There the body was put astride a horse, Hill riding behind, and

so to Primrose Hill, where they thrust his sword through the body.

These two accounts furnish the only evidence in existence that Godfrey was murdered in Somerset House. The accounts were officially adopted. Bedloe was recognized as the first "discoverer," and as such received, on the address of the House of Commons, the promised reward of £500. On the evidence of Prance, the three men, Green, Berry and Hill, were found guilty of the murder, and were subsequently hanged. To question the justice of the verdict was, as has been shown, a criminal offence. The theory of Godfrey's murder in Somerset House is justified, if at all, by these depositions: it never had, nor has it to-day, any other foundation.

But the same man cannot have been murdered from two different sets of motives, in two different places, at two different hours of two different days, in two different ways, by two different gangs of murderers. The body cannot have been conveyed from Somerset House to Primrose Hill on two different days by two different methods of transport.

In ordinary circumstances, we should at once determine that a story resting solely on such manifest and violent contradictions, is a fabrication to be rejected without further examination. Nevertheless, as the story has been revived, with certain variations, as we are assured that a difficult problem has at length been solved; that a key of the housekeeper's bunch has now opened the long-closed door, it behoves us to give further consideration to the story.

We will do it the fullest justice; not haggling

over trifles, but treating it benevolently, and even helping it to assume the very best aspect that can possibly be given to it. We will take the greatest common measure of the two accounts. We will dismiss consideration of motive; we will not insist on a definite locality; we will not ask whether Godfrey was murdered by Jesuits, or by a cushion-man, a gate-porter and a doctor's servant. We will not inquire whether Godfrey was smothered by means of one pillow or two, or strangled with a twisted handkerchief. We will not ask whether the body was kept in Somerset House till Monday or till Wednesday; whether it was finally carried to Primrose Hill on horseback or in a coach. As Bedloe at the trial altered the day of the removal to Wednesday, Wednesday let it be.

After this treatment, necessary to get a residuum capable of being submitted to examination, what remains? Murder in or about Somerset House, on Saturday, October 12: removal of the body to Primrose Hill on the night of Wednesday, October 16. Let us set ourselves to examine this story.

We note at once three remarkable points—the place selected for the murder; the length of time during which the body was kept in Somerset House; the distance of the spot to which it was finally carried.

As to the place, Somerset House was the palace of the queen; Mr Pollock admits that Somerset House was the place that the murderers (assumed by him to have been Jesuits) should of all others have avoided as the scene of the murder. This presents no difficulty to Mr Pollock. He satisfies himself by a reflection on their "singular unfitness for the task." Still, a place had to be chosen,

and we must ask why the choice fell on the most unlikely of all places. It would clearly be a matter of difficulty to decoy Godfrey into either Somerset House or the Water Gate. But he was constantly going into all sorts of places: he was fearless and refused the counsel of his friends to take a man with him. It would have been infinitely more easy to murder him in some by-way. Let us hear on this point a contemporary who was in a position to know the Justice's habits. "He was the easiest man to be trapped of any man living, and no other could have been found out of the whole list of Justices like him for that. His daily custom was to go about alone, creeping at all hours in lanes and alleys as his fancy or occasions led him."*

The Jesuit figures in our history as at once the most astute and the most foolish of the sons of men. But might not the most foolish, the most "unfit" for murder, be supposed to give a thought to the tremendous consequences that in the event of discovery, would fall on the queen—the Catholic queen?

The courtyard of a royal palace, frequented by numerous retainers, is hardly the place one would select for a murder in the early evening: still less perhaps would one choose as the scene of a deed of violence, Somerset Yard, in which were stables, coach-houses, with grooms and stablemen about; a guard-room with soldiers off duty; people going to and fro between the Strand and the frequented landing-stage at the bottom of the yard. So much for the improbabilities of the place selected after mature deliberation; for the murder was premeditated, the result of plans formed beforehand.

* North, "Examen," p. 199.

But let us suppose the murder actually committed in or about Somerset House. The murderers must have considered in advance plans for the disposal of the body. As soon as Godfrey was missed, there would assuredly be an outcry, increasing a hundredfold the difficulty of hiding the crime. The river was near: there were boats at the landing stage at the bottom of the yard. There were the private stairs of Somerset House: at the bottom of Strand Lane, immediately to the east of Somerset House, there was another landing-place. When all was quiet, in the dead of night, the murderers would surely carry the body to a boat, row to some distance, attach weights to the body and throw it into the river. The waters would close over it, and the deed would be for ever hidden. But no; perhaps some mischance prevented the carrying out of this plan on Saturday night. On Sunday, then, the body would be consigned to the river? No: four nights are suffered to pass, and no attempt is made. And now, all over London it is known that Godfrey is missing; everywhere it is said that he has been murdered, and that the papists are the murderers. It is only by a narrow chance that orders have not been given to search all houses, especially houses where papists dwell or congregate. Somerset House itself, the residence of the queen, was searched later. The neighbouring Savoy had actually been searched before the Justice was missing, and monks had been dragged from it by Oates and his guards. All eyes were anxiously watching these two suspected places in close proximity. Only now, when fear was in every heart and suspicion in every eye, do the murderers resolve to remove the body. Even now, they do not

throw it into the river; they decide to carry it out at the gate—the gate watched by a Protestant sentinel, and along or across a great thoroughfare. The moon was nearing the full;* there was a watch-house almost at the gate of Somerset House. A challenge from the sentinel, a challenge from the watch, a gibe from some tipsy reveller reeling home, and all was lost.

But, against all hope, almost by a miracle, they have passed the sentinel, passed the watch-house, unchallenged. Marvellous! The bearers have no braces, only ropes cutting into their shoulders: they are unused to the work, and do not step in unison like trained bearers: any one can see at a glance that there is something strange about this chair. But they have got over the worst: they breathe freely.

Surely they will throw down their burden at the first dark corner? In any case they will not go beyond the first open fields? Except for Montagu House and Southampton House, open fields stretch northwards from Great Russell Street. Fields to the north of Oxford Road and Tyburn Road:

*"In answer to my inquiry the Astronomer Royal was so good as to give me the following particulars:

"In reply to your letter as to the phase of the moon in 1678, October 16, O.S., from Oppolzer's Canon of Eclipses we obtain, subtracting ten days to correct to Old Style:

"New moon, 1678, October 5d. 5h. 20m., Greenwich time.

"Full moon, 1678, October 19d. 8h. 8m., Greenwich time.

"The first quarter took place 6d. 17h. 12m. before full moon, or October 13d. 2h. 56m., a.m., within an hour or two. Hence, on the evening of October 16, the moon was rather more than half-way from first quarter to full. Her disk was ⅞ illuminated, and she was due south about 9 p.m., being still at a considerable altitude at midnight."

If, as Prance said at the trial, the body was carried out at 10 or 11 o'clock, the moon would be still higher ("State Trials," VII, 198)

fields on both sides of the road to Hampstead, not yet called Tottenham Court Road. Men charged with such a burden do not carry it a yard farther than is necessary. Endless places could have been found within a distance of a mile from Somerset House, but they carry the body three miles—two-thirds of the way through fields, every field as good for their purpose as the one at the foot of Primrose Hill. It is conceivable that if Godfrey had been murdered at Primrose Hill, his body might be brought into London, for the purpose of putting the murder on some Catholic, but one fails to imagine the circumstances which could induce men to make so long a journey in the opposite direction, every furlong of the distance adding to the danger.

We cannot construct for ourselves a picture of the London of two hundred years ago: the state of the streets, the amount of traffic and so forth. Let us see how the case presented itself to a contemporary. First, as to the place of murder:

"Whether the one way or the other, it was a quarter so public that what with the guards, the concourse of people, the grooms, watermen, passengers, the lights and windows thereabouts, there might any bustle have been seen or heard from forty several places; and upon the least outcry, either at the one place or the other, Sir Edmund had infallibly been rescued, and the assassin taken. Beside that, it was now between five and six by Bedloe's account, and nine o'clock at most by Prance's—a time when people were everywhere up and stirring, and the porter's window over the Water Gate looked directly all this while upon the place where the fact was said to be committed."

Then, as to the removal of the body:

"Consider the season too, when there were two plots on foot at once—one upon the king and another upon Godfrey; and a man could hardly walk the streets without being taken for a suspected person; and they were to pass in the very teeth of the watch, too. And why so far, when they went every moment in danger of their lives? And the single question of 'Who goes there?' would have hanged them all; if they were but met and examined, they were lost, so that wherever they found the coast clear, it would have been infinitely more for the bearers' security, and for the impostors' purpose, too, to have thrown the body into the very kennel, before the gate of the house, which would have given some countenance to the sham, or at a venture to have left both chair and body together anywhere in the open street, to have taken their fortune."*

Finally, there is one observation to be made. Godfrey was supposed to have been dogged from some house in St Clement's Danes. If he had really been in any house there, nothing would have been easier than to produce those from whose house he set out. Neither was this done at the trial, nor has any evidence on the point since been produced.

We have given to the story of the murder at or about Somerset House every chance. We have not insisted on discrepancies, on destructive differences, which, in fact, leave nothing to examine. On the contrary, we have eliminated these differences, in order that we might get something which could at least be examined. What is left of it after

* Sir Roger L'Estrange, "Brief History of the Times," III, 133, 140.

this fostering care? Even taking it, as we have done, at its very best, the story contains improbabilities so wild that it is impossible to accept it. It would be a work of supererogation to insist on the manifold contradictions of the story in its original double form. Are the improbabilities of the story made in any degree less improbable by the character of the witnesses? Not at all. Considering how the evidence was procured, we should not accept it even to establish something not in itself improbable.

But Mr Pollock, the latest historian of the Popish Plot, has adopted the story with certain emendations. It is somewhat difficult to ascertain what is Mr Pollock's final view of the credibility of Bedloe and Prance, on whose testimony he has founded his hypothesis. On page 133 of his book, their stories are "unlike, but yet have much in common." On page 139 we are told that "the evidence of the two men hardly covers the same ground at all"; again, on page 141, Mr Pollock admits that "two accounts of the same facts could hardly be imagined to differ more one from another than the stories of Prance and Bedloe." But the exigencies of an hypothesis forbid Mr Pollock to draw the only rational inference—that the whole story is absolutely false. But let us see how he deals with it. Here is a summary of his amended version of the story told by Bedloe and Prance.

1. The Jesuits resolved to take the life of Godfrey, because he was in possession of a fatal secret.

2. In pursuance of this design, Godfrey was decoyed into the upper court of Somerset House, and there murdered by Le Fèvre, Walsh and Pritchard, Jesuits; Prance and a servant of Lord Bellasis.

3. The body was kept in Somerset House till Wednesday night, in a place which cannot be determined—certainly not in Hill's lodgings, as sworn by Prance.

4. The body was not removed in a sedan-chair, nor was it carried through the gate. It was removed through a private door, put into a coach, and so taken to Primrose Hill. Here Godfrey's sword was driven through the body and the corpse was left lying in the ditch where it was found.

This may be called an eclectic version. The motive is taken from Dugdale, a third infamous witness, whose acquaintance we have not yet made; the personages are taken from Bedloe, with Prance thrown in; the place of the murder is taken also from Bedloe. Finally, the method of removal of the body is Mr Pollock's own contribution to the olla-podrida.

1. The theory that Godfrey was murdered lest he should betray secrets confided to him by Coleman, was told by Dugdale to the House of Commons on October 30, 1680, a month before the trial of Lord Stafford.* The story is considerably toned down in Dugdale's printed "Information." It will be better to give it in the form recorded in the trial of Lord Stafford:

Mr SACHEVERELL.—My lords, we desire that he may be asked one question; he told your lordships of the letter that came into Staffordshire, about the death of Sir Edmund Berry Godfrey, but he hath not told you of the reason why he was to be taken away. We desire he will let your lordships know what reasons they gave for it.

Mr DUGDALE.—My lords, I was desirous to know how things went, being concerned as well as Mr Evers, and I asked what the reason was they took away his life? Mr Evers

* "Letters of Algernon Sydney," pp. 165, 166.

told me there was a message sent to Mr Coleman to desire him that he would not reveal what he knew concerning the plot or anything of that nature.

Mr SACHEVERELL.—From whom was that message sent?

Mr DUGDALE.—From the Duke of York. And Coleman did send word back again, "What was it the nearer?" for he had been so foolish as to reveal all to Sir Edmund Berry Godfrey, who had promised to keep it all a secret. But upon the examination of Oates before Sir Edmund Berry Godfrey, as a justice of the peace, he was afraid he would come in an evidence against him; and had shown himself a little too eager, which made Coleman afraid that he would witness against him. And the Duke of York did send word back again, That if he would take care not to reveal but conceal it, he should not come in against him, or to that purpose. And the next news we heard was the letter that he was despatched.*

Mr Pollock claims that his theory is differentiated from that of Dugdale by this—that Dugdale had not divined, as Mr Pollock has, the nature of the secret revealed by Coleman to Godfrey. This would, therefore, appear to be all the difference. Still, we should not like to assume, without Mr Pollock's direct authority, that he charges the Duke of York, as did Dugdale, with ordering the assassination of a magistrate. It is a point which should not have been left in doubt.

2. Mr Pollock rejects the locality sworn to by Prance, and re-instates the scene of the murder in the upper court, in accordance with the version of Bedloe, whose personages he has also taken. But in so doing, he has overlooked one very important piece of evidence. Bedloe's version may be said to be a rough tentative sketch; Prance came later into the business, and his story was revised in the light of facts that had come into view meanwhile.

* "State Trials," Vol. VII, p. 1319.

There was a very sufficient reason for changing the scene of the murder from the upper court to Somerset yard. This was the reason:

Bedloe "made a long narration of the manner which amazed the people at first, but upon recollection, the king remembered he was at Somerset House himself at the very time he swore the murder was committed. This made His Majesty doubt the truth of what he said, and to send the Duke of Monmouth with Bedloe, to Somerset House, to show him upon the place where everything had passed. When the Duke of Monmouth returned; he told the king the room where Bedloe said he saw the body lie, was the queen's backstairs, which, being the common passage for all the queen's servants, the place through which her meat was carried, and where the footmen constantly waited, confirmed the king in the belief of its being all a fiction; besides, his having been there at that time himself, made it impossible that a man should be assaulted in the court, murdered, and hurried into the back-stairs, when there was a sentry at every door, a foot company on the guard, and yet nobody see or knew anything of it."*

There was another change in the final presentation, a change almost equally remarkable. When we come to the trial of the three men charged with the murder of Godfrey, we find that Bedloe's personages have disappeared. Others than Green, Berry and Hill were included in the indictment, though these three only were brought to the bar. The indictment included Gerald, Kelly and Vernatt, all accused by Prance. "These priests," said the Attorney General, Sir William

* James II, Memoirs in Life, by J. S. Clarke, I, pp. 527-528.

Jones, "these priests (as they are always the first that contrive mischief, so they are always the first that fly punishment) have taken care for themselves and run away." But their flight did not prevent their inclusion in the indictment. In the course of his attenuated evidence Bedloe had to mention le Fèvre, Pritchard, Walsh, Kaines and another. Why were they also not indicted? The probability seems to be that it was felt that Bedloe's story must be kept as much as possible in the background. It was a delicate matter. There was only one way for it. Bedloe, the first discoverer, had to be reduced to a secondary position. For one reason or another the eight chief offenders were not to be produced, and it was necessary to find other personages. Green, Berry and Hill were but poor game, but they knew many Catholics, and might be willing to save their own necks by bringing in more important persons. It would never do to let the prosecution fall through. Bedloe was too valuable an auxiliary to be lost. In the language of the day, he would "swear through a two-inch board." At all hazards his credit must be preserved.

3. Mr Pollock abandons the story of the concealment of the body in Hill's lodgings; it was indeed shown at the trial that the thing was impossible. But if there was any truth at all in Prance's story, why should he have lied on this point?

4. Mr Pollock has, we may assume, been driven to give up the story of the sedan-chair by two circumstances. One is the absurdity of the account of a sedan-chair carried by men unused to the work, and unprovided with the necessary braces. The other is that the sentinels swore that no sedan-chair went out by the gate. Mr Pollock

has no authority whatever for the change he makes, nor does he explain why, if the body was actually carried out in a coach, the sedan-chair should have been brought into the story.

The removal of the body in a sedan-chair is perhaps the one single point on which there is agreement between the two men on whose sole authority the story of the murder rests. Mr Pollock accepts the evidence of these two men when they are in flagrant and hopeless contradiction, but rejects it when, for once, they agree. And this he does without adducing any evidence whatever in support of his variation. This, indeed, may well be, for there is none.

There are two incidents in the story that stagger belief. "My lord," said the Attorney General, at the trial of Green, Berry and Hill, "after he had lain some days in Somerset House, they thought it was high time to remove him." High time it was indeed. Mr Pollock does not give any explanation of the delay, nor does he tell us why the murderers should have been at the pains to make so long and unnecessary a journey before they rid themselves of the body.

The conclusion, forced upon us by examination of the facts, that the place of the murder, by whomsoever committed, was not Somerset House, is in no way disturbed by Mr Pollock's unauthorized amendments. He feels that the story as told by the only persons who alone have ever professed to know anything of it, is too absurd for belief. He is therefore compelled to make alterations for which he has no warrant, no shred of evidence. But he has left the story in a worse plight, if that be possible, than he found it.

But the question may be asked, How was it

possible that three men should be found guilty of the murder, and executed for it, upon such evidence? The answer is, that the condemnation of Green, Berry and Hill was not a judicial error; their execution was a planned judicial murder. In order not to interrupt too much the course of the narrative, consideration of the state of mind of the public is reserved for the present. It was such as to prevent all chance of the fair trial of any person accused. The word had gone round that the "king's evidence" was to be supported; any one casting doubt on the evidence was to be regarded as the enemy of the country. A trial, not immediately connected with the plot had taken place before this. The charge, one of high treason, rested on the evidence of informers. One of them, Carstairs, was known to Burnet. Burnet went to the Attorney General, Sir William Jones, and told him what a profligate wretch Carstairs was. "Jones took it ill of me that I should disparage the king's evidence. The thing grew public, and raised great clamour against me." Sir William Jones conducted the prosecution of the three men accused of the murder of Godfrey. "To show," says North, "what hard measure these poor men had, I will remember a passage told me by no small man, who was present with the Lord Chancellor Finch, when Sir —— came to give his lordship an account of the conviction of the three men. But, said the Lord Chancellor, how did you answer such and such inconsistencies in the evidence which he stated? My lord, said Sir ——, I ordered the briefs so that none of these things appeared; which, this person said, brought an horror over his spirits." * The story is sup-

* North, "Examen," p. 208.

ported by the report of the trial. Bedloe was kept as much as possible in the background: his account of the manner of the murder was altogether suppressed; nothing was said by him of its place. The three men were, in fact, condemned on the testimony of Prance, who alone claimed to speak from actual, first-hand knowledge. At any other time, Prance's solemn recantation before the king would have been admitted to destroy the value of his testimony. The Lord Chief Justice contented himself, if not the prisoners, by saying that Prance was not perjured because his recantation before the king was not made upon oath. No evidence, it must be repeated, has come to light since the trial. Mr Pollock does not claim to have discovered any new facts on which to base his emendations.

If we dismiss the story of the murder in Somerset House, Prance, it is clear, can have had no share in a supposed fact which does not exist. It is therefore unnecessary to follow point by point Mr Pollock, who regards Prance as "throughout one of the most astute and audacious of the Jesuit agents." Prance's astucity and audacity in the cause of the Jesuits were displayed in a most singular manner. After the conviction of Green, Berry and Hill, he appeared in several other trials. He was instrumental in procuring the conviction of the "Five Jesuits," Whitebread, Harcourt, Fenwick, Gavan and Turner. He gave evidence against Langhorn and Lord Stafford. He bore his share in the judicial murder of these seven persons. But his services to the Jesuits did not end here. He was a witness against a number of priests, six in all, Anderson, Russell, Parry, Starkey, Corker and Marshall, tried for the fact of

being priests. All were condemned to death, though the sentences were not carried out. In the evidence given, it appeared that Prance had gone about looking for priests with the view of making arrests. To those who look at the facts without the treacherous aid of an hypothesis, there is no mystery about the part played by Prance. He was, as was said by Dr Lloyd, "a white-livered man of no principle." His fortitude gave way before threats of hanging and prison treatment which, by Dr Lloyd's admission, brought him to death's door.* Even with his crimes in full view, it is impossible to suppress all feeling of pity for the miserable wretch. "As," says L'Estrange, "there is an order even among the devils in hell, the same decorum ought to be observed towards his instruments here upon earth; so that I shall postpone Prance a little, as a poor, sneaking off-and-on wretch that's scarce worthy to be named on the same day with the other two"—Oates and Bedloe. "As to Prance's character," he says later, "all that I can say of it is this, that he had a good will to be honest, but not the heart to go through with it; and that he took more care of his carcase at first, than he did afterwards of his conscience. I shall do him this common right yet, to say that he had not the brand upon him of an infamous course of life."†

* Dr Lloyd's report ("Hist. MSS. Comm. Fitzherbert MSS." p. 154) gives the impression that Prance temporarily lost his senses. "1678-9. January 11. This evening I was at Newgate to visit Miles Prance, as I had done twice before by order of the lords in council. I found him in one of his melancholy fits. He was near half an hour coming out of it before he knew me, and after that he grew very sensible and spoke everything with good coherence."

† "Brief History," III, p. 126.

Here is a picture of Prance in the company of the two wretches who had him fast in their toils. It is drawn by William Smith, sometime master of Dame Owen's school at Islington, an office from which he was driven by Oates. Him also Oates had got into his power, first ruining him, and then, with the aid of Lord Shaftesbury, bringing him to the point of giving false testimony. "Coming one evening," says Smith, "to visit him [Oates] at Whitehall, I found Bedloe and Prance with him. Amongst other discourse, they talked of Sir Edmund Berry Godfrey. Oates laughed at the business, and said: 'Here is Bedloe that knew no more of the murder than you or I did. But he got the five hundred pounds, and that did his work: and gave this blockhead £30 of it. He picked him up in the lobby of the House of Lords, and took him for a loggerhead fit for his purpose.' At which Bedloe laughed heartily, and Prance looked a little dull, as displeased."*

The picture is vivid. Prance as a "loggerhead" seems nearer the truth than Prance as "one of the most astute and audacious of the Jesuit agents."

We have done with Somerset House. The way is now clear for examination of the whole facts of the case. At the risk of some repetition, these facts must be set out fully.

* "Intrigues of the Popish Plot Laid Open," by William Smith, M.A., late schoolmaster of Islington.

Chapter III–Primrose Hill

THE ground is cleared, and we can now, dismissing all prepossessions, examine the facts connected with Godfrey's disappearance and death. Only now do the difficulties of the case begin. They are of several kinds, all tending to obscure the issue. Men's minds were, in general, in a condition of frenzy, largely created and unscrupulously exploited in the interest of political aims. To doubt the existence of a "damnable and hellish plot" was, as we have seen, to court destruction. "One might have denied Christ," says North, "with less contest than the plot." Voices were silenced; those who ventured into court to give testimony in favour of a prisoner took their lives in their hands. They were abused by the judges. The audience greeted their evidence with shouts or with the Puritan "hum." Mrs Hill, the wife of one of the men accused of the murder of Godfrey, complained: "My witnesses were not rightly examined; they were modest, and the court laughed at them." That Godfrey was murdered by Catholics became the foundation of belief in the plot, and on the plot was based a great political movement for changing the succession to the throne. There is nothing incredible in the statement that Shaftesbury told the king that, if he would not pass the Bill for excluding the Duke of York from the throne, "they would lay the murder of Godfrey upon

him."* Nothing, indeed, was too grotesque for belief. Not directly, but indirectly, Charles was charged with being in a plot to murder himself. That this was quite natural was contended by the writer of the ablest pamphlet on the plot-mongers' side, "An Appeal from the Country to the City."

To arrive at a trustworthy conclusion upon the evidence of men carried away, either really or ostensibly, by insane panic, is a difficult task. We must take the materials as they have come to us.

That Godfrey died a violent death is certain; we are now to consider what was the manner of the death. The evidence on the subject is found in the following records:

1. The depositions at the inquest held on Godfrey's body.

2. The evidence given at the trial of Green, Berry and Hill.

3. The evidence given at the trial at a later date (June, 1682), of Nathaniel Thompson, John Farwell and William Pain, who had publicly called in question the justice of the verdict condemning Green, Berry and Hill. That is all the official evidence. A very large reward, £500, produced the fraudulent testimony of Bedloe, but neither reward nor promise of pardon and protection brought out the least scrap of real evidence. No desire of one of the murderers to forestall his fellows; no death-bed confession has ever thrown one gleam of light on the case.

Something must be said of facts tending to impair portions of the evidence.

It is not necessary to repeat what has been said of the public excitement, which affected the evidence given before these three several tribunals.

* "Examen," p. 117.

The public frenzy had not reached its full height at the time of the inquest. There was, indeed, from the time of Godfrey's disappearance, a violent disposition to lay his disappearance and, later, his death, at the door of the papists, but as we shall see, there was a strong under-current setting in another direction. But private interests were involved. If the coroner's inquest had found a verdict of *felo de se*, Godfrey's brothers, his heirs, stood to lose the estate. We shall have to consider whether this element of interest affected the verdict.

The record of the depositions at the inquest is excessively meagre. There was no short-hand report of the case, and the depositions are in the form, merely, of short and abbreviated notes taken by the coroner.

The evidence given at the two trials is much more fully reported. The stenographers at the time were, as is evident to any one reading the reports of the great trials, quite equal to giving exact and detailed reports. But there are several charges of suppression of evidence. Lord Castlemain was tried for high treason on June 23, 1680. In pursuance of an application to the House of Lords, John Combe was accorded permission to print a report of this and other trials. Permission was subject to restrictions: "So as he first attend the judges before whom the said trials were respectively had, as also His Majesty's Attorney General, and such others of counsel for the king as were employed respectively therein, to the end they may peruse and examine his copies, to correct them (if need be) before he print and publish the same."* Lord Castlemain complains that the

* "Journals of the House of Lords," xiii, p. 626.

evidence of his witnesses and his own answers were "strangely mangled and lamed": the publisher "leaves out and confounds what he pleases all along." "But," he concludes, "I am not to wonder at the indirect way of publishing transactions of this nature, since every trial is complained of by those who were present."* Fortunately, we have evidence of the extent and character of the revision exercised. There are in existence two reports of the trial on January 17, 1680, of Lionel Anderson, and several other priests. One of these reports is contained in a contemporary pamphlet in the usual folio form; the other version is found in the first edition (reprinted in subsequent editions) of the State Trials, published in 1719, within, that is, forty years of the trial. In the "*Athenaeum*" of May 7, 1904, I have given some account of the variations in the reports. It will be sufficient to quote here one instance of the manner in which the reviser did his work. In one version, that which alone came into the hands of contemporaries, Bedloe is represented as saying in his evidence, that Anderson was—"Mr Anderson's son of Oxfordshire, as I was told."

This single sentence is all that the reviser permitted to appear of the following colloquy:—

"Mr Anderson's son of Oxfordshire, a gentleman of £200 or £300 a year; I know him and his father very well."

ANDERSON.—My Lord, could I but apprehend that I lay under so great a guilt as to have been acquainted with so great a rogue as this fellow is, I would have been my own executioner, and not have expected my sentence at this bar.

LORD CHIEF JUSTICE.—Do you know him well?

* "Manifesto," pp, 39,40.

BEDLOE.—Very well, both him and his father; his father is an Oxfordshire gentleman.

ANDERSON.—Now I think I shall prove the rogue perjured; is my lord Chief Baron in court?

COURT.—Yes, he is.

ANDERSON.—Why, then, my father has the honour to be well known to his lordship, who knows this to be false.

LORD CHIEF BARON (William Montague, Esq.)—No, no, Mr Bedloe, he is a gentleman's son of quality in Lincolnshire.

LORD CHIEF JUSTICE.—You are mistaken, you are mistaken; his father is a Lincolnshire gentleman.

ANDERSON.—And yet this rogue is upon his oath; but indeed all his life is full of such mistakes.

BEDLOE.—I don't know, my Lord Privy Seal's nephew told me so.*

This instance gives the measure of the licence permitted to themselves by those, probably the law officers of the crown, who revised the reports. The matter is here dealt with at some length, for the reason that, as we shall find later, the restoration of an omitted sentence has a most important bearing on the mystery of Godfrey's murder.

In addition to the evidence given at the inquest and at the two trials, there are statements made to the Committee of the House of Lords which sat daily.† There is also a body of remarkable evidence consisting of depositions for the most part taken on oath by Sir Roger L'Estrange, in the circumstances to be mentioned.

L'Estrange, born in 1616, was a strong royalist, and, "a Catholic," as he himself states "of the Church of England;" "a Protestant, too, according to the best acceptation of the word." In 1644, he made an unsuccessful attempt to surprise Lynn.

* "State Trials," VII, 839.

† "Hist. MSS. Commission," Eleventh Report, Appendix, part II.

He was taken prisoner, tried and condemned to death. The sentence was not carried out, but L'Estrange lay for nearly four years in Newgate, under the sentence. After the Restoration, he was made licenser of the press. He was knighted in the first year of James's reign. He was very active as a pamphleteer and journalist. He seems to have been the first to issue a half-penny newspaper in England. He may be said to be the first great English journalist. From the day when the plot "broke out," L'Estrange regarded it as an imposture. "I had the very same opinion of the truth of it the first time I heard on't, that I have at this day. . . . . I have endeavoured, I must confess, to possess other people with the same thoughts of it that I had myself, so far as consisted with the discretion of a man's keeping a whole skin." * He went dangerously near the very limit of this discretion. Some of his ironical attacks on Oates are still good reading. Thus, in his "Further Discovery of the Plot," dedicated to Oates himself, L'Estrange says: "I believe the plot, and as much of it as every good subject ought to believe, or as any man in his right senses can believe; nay, I do so absolutely believe it, that, in my conscience, you yourself, Doctor, do not believe more of it than I do." This was in 1680. In consequence of L'Estrange's scarcely veiled attacks, Oates contrived to bring him before the Council, in November, 1680. After a full hearing, L'Estrange was dismissed, but thought it prudent to fly across the sea. When he returned, in February, 1681, he resumed the campaign. In April, he started the "Observator," a journal ap-

* "Observator," May 27, 1685.

pearing twice or thrice a week, commenting on the events of the day, in dialogue.

> In vain our factious priests the cant revive:
> In vain seditious scribes with libel strive
> To inflame the crowd, while he, with watchful eye
> Observes, and shoots their treasons as they fly:
> Their weekly frauds his keen replies detect:
> He undeceives more fast than they infect.

So said or sang of him Nahum Tate, in 1682.

An admirable satire on Oates is also in the form of a dialogue, a kind of composition in which L'Estrange excelled. In this, Titus Oates bitterly complains of the ruin brought upon the plot by the Doctor of Salamanca, while the doctor retorts with equal vehemence upon Titus.* So galling were L'Estrange's attacks, that, in February, 1684, Oates petitioned the king and Council to put an end to them, appealing to the verdicts he had obtained against his victims, and to the judgements of four Parliaments, as establishing the truth of his fictions. The complaint passed unnoticed; the tide in Oates's favour had slackened. A few months later L'Estrange had entered on the task of bringing Oates to justice.† L'Estrange himself tells how he entered on the task. "I made it my suit to his late blessed Majesty," he writes, after the accession of James II, "that he would give me leave and commission to make a warrantable inquiry into the forgeries of Oates, and to try if I could fairly bring him to justice for his perjuries. His Majesty was hereupon pleased to grant me an order for the exam-

* Oates's "Manifesto," 1683.

† Luttrell, "Brief Relation," I, 311; "Hist. MSS. Com. Report," vii, p. 534.

ining of witnesses and comparing evidences." Oates, once "fast in the toil, it was but reason, methought, for Prance to take his turn too."*

Elsewhere, L'Estrange sets out more fully the part he played in this matter: "I entered upon this commission"—the exposure of Oates—"by the order of his late sacred Majesty of ever-blessed memory. I continued my proceedings upon it by the same royal and repeated commands; and if it had not been for some previous deliberations in what manner to proceed, and which causes to pitch upon, out of the choice of eleven or twelve that lay equally open, this matter had been brought to an issue time enough for the late king, before his most pious and glorious end, to have seen this wretched creature brought to public shame and justice. . . . I must avow further that His Majesty was pleased to declare this scrutiny to be a point highly incumbent upon his royal justice."†

Oates and L'Estrange were the two men in all England who had the most intimate knowledge of the plot. Their knowledge differed in this: Oates knew the plot from inside, L'Estrange from outside. But L'Estrange did not stop with the bringing to justice of Oates and Prance. The plot and the assumption that Godfrey was murdered by Catholics, stood in intimate relation. After the conviction of Oates, Prance confessed his perjuries. The story of the murder of Godfrey in Somerset House fell with his conviction. Bedloe had died in August, 1680, before these two convictions. But L'Estrange determined to carry his investigations still further. Charles gave him authority to inquire into the case of Godfrey; and, on the death of Charles,

* "Brief History," Preface to part III.
† "Observator," vol. III, No. 5, Feb. 19, 1684-5.

the authority thus given was renewed by James. L'Estrange was, in short, armed with the powers of a royal commissioner. He summoned witnesses and examined them upon oath; he had access to all public documents; the coroner was ordered to furnish him with true copies of the depositions made at the inquest.

With these aids, L'Estrange conducted the inquiry, the course and results of which are set out in his "Brief History of the Times," published in 1687-8. The book is disjointed; large portions of it are mere reprints from the "Observator." The reader is wearied by repetitions; but, after all deductions, the "Brief History of the Times" remains a most remarkable investigation into the story of an obscure case. L'Estrange's depositions were taken seven or eight years after the events. This lapse of time tends to lessen their value as evidence. On the other hand, witnesses could testify to L'Estrange without fear. They did not, as in the heydey of the plot, risk their fortunes and their lives in coming forward as witnesses. The depositions were taken at length; the inquiry was skilfully directed to bringing out material facts, and it appears to have been conducted with an honest desire to elicit the truth. At the end of his book L'Estrange says: "I have here discharged my conscience and my duty with a most affectionate and impartial respect to truth and justice; and I have done it according to the best of my skill and understanding without gratifying any passion or interest, and without leaning either to the right hand or to the left, as I shall answer for it at the last day."*

Perusal and reperusal of the "Brief History"

* "Brief History," III, 331.

leave on the mind the impression that the statement is justified. But one who thinks this is not thereby absolved from the duty of examining the evidence collected by L'Estrange with scrupulous care, and even, in the circumstances, in a critical spirit. But, after all, this body of evidence is so important that it is not possible to neglect it in any inquiry into the murder of Godfrey.

Our task is now to put together a narrative of the whole circumstances, compiling it from the sources indicated. It will not be necessary to overload the narrative with references to the several authorities, but a statement of the source shall be given when circumstances seem to require it.

Hartshorn Lane (afterwards Northumberland St.) ran from the Strand to the Thames. Rocque's beautiful map, begun in 1737, and published in 1746, shows a large timber yard at the river-end of the lane. It was here, probably, that in 1678 Sir Edmund Berry Godfrey carried on business as a timber and coal merchant. Some years before this date, Pepys speaks of Godfrey as a "woodmonger." Godfrey was born in 1621, and was consequently fifty-seven years of age in 1678. He was tall, and so remarkable, says North, "in person and garb, that, described at Wapping, he could not be mistaken at Westminster." As justice of the peace Godfrey was greatly esteemed. He remained in London during the great plague of 1665, and was knighted for his public services during that terrible time. A story belonging to this time shows him to have been a man of courage and resolution. A wretch had robbed the graves of winding-sheets—the dead were then compulsorily buried in woollen—and had got together

a great number. Godfrey seized these spoils, and the man having taken refuge in the pest-house, whither Godfrey's officers dared not pursue him, Godfrey himself entered the pest-house and dragged him forth.

Godfrey was unmarried. His household was on a simple scale, consisting of one female servant and a clerk, Moor, a man of middle-age. In his house in Hartshorn Lane, Godfrey exercised his office of justice. He had prospered in business. He had two brothers, Michael and Benjamin, whose names are found in a list of the time, among those of fourteen of the most eminent French traders in London.* Godfrey was not known to have any enemies. He was, says Burnet, "a zealous Protestant, and loved the Church of England, but had kind thoughts of the nonconformists, and was not forward to execute the laws against them. And he, to avoid being put on doing that, was not apt to search for priests or mass-houses. So that few men of his zeal lived on better terms with the papists than he did." In particular, he was on friendly terms with Coleman. It was natural that Godfrey, being in such friendly relationship with the papists, should be disturbed by the part he was made to play in taking the depositions of Oates and Tonge, especially when, on the second occasion, he became fully acquainted with the character of these depositions. He was, as a matter of fact, greatly perturbed, but fuller reference to this point will be better made in the later stages of the narrative.

Sixteen days after taking the second depositions, on Saturday, October 12, Godfrey left his

* Michael Godfrey was the first deputy-governor of the Bank of England.

house early in the morning. Later in the day, past noon, then the dinner hour, he was seen in the neighbourhood of his house, but he never returned thither. Five days later, on Thursday, October 17, his body was found at the foot of Primrose Hill, in the following circumstances. It may be premised that the exact spot where the body was found is not known. The White House, of which mention will often be made, stood on the site of the Chalk Farm Tavern, at the corner of Regent's Park Road and Erskine Road.

About two o'clock in the afternoon, two men, William Bromwell, a baker, and John Walters, a farrier, were walking across the fields in the neighbourhood of the White House, a public house, when they saw, lying on the bank of a ditch, a cane, a pair of gloves, the scabbard of a sword, and a sword-belt. They supposed that these objects belonged to a soldier somewhere near, but at the White House they told what they had seen to John Rawson, the landlord. It was raining, and it was not till five o'clock that the two men, taking Rawson with them, went to the spot where the gloves lay. The ditch was covered with brambles and bushes; Rawson, stooping down, saw the body of a man lying in the ditch. They all went off to find the constable, whose place of residence is not mentioned. Some years later he was living near St Giles's pound, which stood in the middle of High Street, at its junction with Tottenham Court Road and Oxford Street. It is probable that he lived here or hereabouts at the time of the discovery of Godfrey's body, so that the time spent in reaching him would be considerable. Brown, the constable, got together thirteen or fourteen of his neighbours before he started for Primrose Hill.

Here certainly is a delay. The date, October 17, is old style, corresponding to October 27. At this time, the sun sets at about quarter to five, so that it was already about sunset when the body was discovered. It was certainly quite dark when Brown and his gathering arrived at Primrose Hill. It was a tempestuous night, so that they could have no light by which to view the body. The obvious duty of the constable was to set a watch over the body till daylight, when note could be taken of all the circumstances. But Brown determined to remove the body at once to the White House. Before doing this, he got down into the ditch, and bestrid the corpse as it lay, feeling its position as best he could. It is probable that in the accounts he gave he was helped by the recollection of the three men who had discovered the body and had seen it by the last daylight.

The body lay, face downward, in the ditch, the left hand under the head, upon the bottom of the ditch, the right hand a little stretched out and touching the bank on the right side; the knees touching the bottom of the ditch; the feet not touching the ground, but resting on brambles. The body was transfixed by a sword, which came out at the back, protruding some inches. The pommel of the sword did not reach the bottom of the ditch. In front of the body at the bottom of the ditch, lay the hat and periwig. Brown's examination concluded, the body was removed from the ditch, and carried about five or six yards. The body was that of a tall man. "Pray God," said the constable, "it be not Sir Edmund Berry Godfrey!" For fear lest the sword should be broken in carrying the body to the White House, Brown drew it out. "It was somewhat hard in the drawing, and crashed upon the bone in the pluck-

ing of it forth." The body was now placed upon two watchmen's staves, and so carried to the White House. Then the fear that was in all hearts was realized—the body was that of Sir Edmund. On it were found seven guineas, four "broad pieces," four pounds in silver. On the hands were three rings. The body was laid on a table, and, leaving it in charge of the watchman there, with strict orders not to suffer any meddling with it, Brown and six others rode to Hartshorn Lane with the news.

The inquest on the body was held the next day. One grievous mistake had already been made, in moving the body before a formal view had been taken. Another grievous mistake followed; the surgeons called to certify the cause of death did not make a proper examination of the body; it was not opened. This is perfectly clear, although at the trial of Green and the two others, the Attorney General indirectly stated the contrary; "Then we desire to call the surgeons that viewed and opened the body." There is no doubt whatever on the point, for, as we shall see, the fact that the body was not opened was the subject of complaint. The coroner's notes of the evidence given before him are excessively abbreviated. It would, moreover, be tedious to go thrice over the ground in reviewing the evidence given on three separate occasions. It will be better to amalgamate the evidence, supplementing by one account what is wanting in others.

Death had taken place four or five days before the body was examined. The breast looked black, as if beaten with hands or feet, or some obtuse weapon. The neck was "distorted," "dislocated," "broken," "you might have taken the chin and

set it on either shoulder." There were two wounds on the body: one had been stopped by a rib, the other, under the left pap, went through the body. The surgeons gave it as their opinion that the sword wound was not the cause of death; the sword had been thrust into the body after death, not even immediately after, or there would have been some "evacuation of blood." In spite of what was testified as to dislocation of the neck, no reliance seems to have been placed on this as the cause of death; indeed, the evidence on this point is contradictory; before the Lords' Committee the coroner stated that "the head could turn to the left side, not to the other." The whole question was made to turn on "blood or no blood." At the trial of Thompson it was averred that there was blood in the bottom of the ditch, but the weight of evidence was the other way. When the constable drew the sword from the body, the withdrawal was followed by a flow of blood or serum. There were marks of blood on certain posts standing on the way by which the body was carried to the White House. A quantity of blood flowed from the body after it had been placed on a table. There were marks of strangulation about the neck; the surgeons denied that these marks could be produced by the high and stiff collar worn by Godfrey.

The verdict of the coroner's jury, given at full length in a scarce pamphlet, "Sir Edmundbury's Ghost," 1682, is a singular document of portentous length. In effect it was a verdict against persons unknown of murder by strangulation by means of a linen cloth. The conclusion was reached with difficulty. There was an adjournment, and the second sitting was long, from five in the afternoon to four in the morning. Only one witness was

heard on the second day, Mr Radcliffe, the last person to speak to Godfrey.

Some evidence was given at the inquest, tending to show that the body was not where it was found, even at noon of the very day, Thursday, when it was discovered. L'Estrange gives in his "Brief History" (Part III, p. 244), the deposition taken by him of Joseph Girle, one of the jurors. It is as follows:

"Joseph Girle deposeth [to L'Estrange, that is], That being summoned, etc., Mrs Blith and her man, of St Giles's, made oath, they or one of them had been upon Wednesday up and down thereabouts (where the body was found) looking for a calf newly fallen, and that at that time they did not see any dead body. This being Wednesday when Sir Edmundbury Godfrey was missing."

The depositions received from the coroner, as printed by L'Estrange, agree in number with the statement of their number made by him. But there is among them no deposition of Mrs Blith. There is, however, one made by Thomas Morgan, probably the man in question. But his deposition does not agree with Mr Girle's recollection of it. It is as follows:

"Thomas Morgan being sworn and examined, saith, That on Thursday last, about twelve of the clock, he was at the pond near the ditch where Sir Edmund Godfrey was found dead, and doth believe that if Sir Edmund's belt, gloves, and cane had lain where they were found, this informant should have seen them."

Here, instead of Wednesday, we have Thursday, the very day on which the body was found. If we are to accept Morgan's evidence, the body must have been brought to the ditch in broad day-

light, between noon and two o'clock, for the gloves, etc., were seen at two o'clock. It is clear that Girle's recollection was not trustworthy. Deposing some years after the event, he makes two mistakes, the first, that Mrs Blith gave evidence; the second, that the day spoken of was Wednesday, not Thursday. These two accounts must be dismissed.

There is a third piece of evidence tending to show that Godfrey's body was not in the ditch on the Tuesday or Wednesday preceding the Thursday when it was discovered. In an appendix to the trial of Nathaniel Thompson and others, in 1682,* is given an affidavit of Robert Forset, or Fawcett, sworn before Mr Justice Dolben. Fawcett stated that on Tuesday, October 15, 1678, being the Tuesday after Sir Edmund was missing, he was hunting with his pack of hounds at the very place where the body was found, and beat that very place with his hounds, and that the body was not then there, nor any gloves nor cane then about. He lent his dogs to a friend who hunted the next day in the same place, and beat the same ditch. This friend had lately died.

After the lapse of four years, a mistake in a date is probable enough, unless the recollection is supported by a diary or some particular incident. Nothing of the kind was mentioned by Fawcett. Not to find a thing is but negative evidence, which may, indeed, be very strong. It is, indeed, conclusive if three conditions are fulfilled. We must be satisfied of the good faith of the witness, and must be quite sure that there is no mistake either as to date or exact place. We may leave Mr Fawcett's evidence on one side till we see whether other evidence comes to support or to rebut it.

* "State Trials," VIII, 1394.

The condition of the body leaves no doubt that Godfrey met his death very near the time of his disappearance. If he did not come by his death on the spot, and if the body was not in the ditch on Tuesday or Wednesday it must have been kept in some other place. Where? We have been obliged to discard the story of Somerset House: where else should the body have been kept? And, again, why at last brought to Primrose Hill? If he was murdered in the fields, why move the body from one field to another? If murdered in a house, the body must still have been moved a considerable distance uselessly and at great risk. But there are grounds for believing that the body had remained in the open air from the time of death. It has already been shown that the reports of trials were severely revised. We have now to deal with a critical instance. L'Estrange avers that at the trial before Lord Chief Justice Pemberton, of Thompson, Pain and Farwell, a man who had helped to strip Godfrey's body gave evidence which was altered in the authorized report. According to L'Estrange, there was, in addition to this authorized report, another, unauthorized, printed for William Mason, "wherein," says L'Estrange, sarcastically, "by way of abstract, the evidence is strained and falsified, and, being much harder upon them than in the authentic report, it is to be presumed that, for the honour of the court, nothing was omitted that might give reputation to the justice of the proceeding."*

Mason's report of the trial must be rare, as the British Museum, rich as it is in literature and records of the time does not possess a copy, nor could one be found in the great law libraries. At

*"Brief Hist," III, p. 239.

last, however, a copy was discovered. In the library of Sion College is a great collection of reports of trials, &c., connected with the Popish Plot. They are bound in four thick volumes, and in volume IV is found Mason's report, beginning at page 295.

A man named Fisher deposed to L'Estrange that the arms of the body "were so stiff that they were forced to tear off his shirt." L'Estrange states that Fisher deposed to the same effect at the trial, but that the passage was omitted from the authorized report. Here are the two versions of Fisher's evidence, from the authorized and unauthorized reports respectively:

AUTHORIZED

I stripped him of his clothes, pulled off his hose and shoes; I was carpenter to my lord Wooten, and I was sent for in October a day or two before, and I came to get the house covered up and to take order with my partner: and as I went, there was a report that Sir Edmondbury Godfrey was found, and laid up in the White House, and when I came the coroner and the jury were there, and I got into the room where Sir Edmondbury Godfrey lay upon the table, and

UNAUTHORIZED

I was carpenter to my lord ——, and I was sent for to the White House, and as I went to take orders I heard the report that Sir Edmond was found, I went on to my designed place, and when I came there, I saw Sir Edmond lie dead on the table, I turned his coat up, I saw two wounds within an inch and a half of one another: the one went no further than the bone, and the other through his back, and they brought to me the sword which they said they

took his hat off: and I saw two wounds within an inch and a half of one another: one went no further than his bone, and the other went through his back. And, my lord, immediately there was an order come down from the coroner to get him stripped. They asked me if I would give an hand, and I told them, Yes. I pulled off his shoes and they were clean, and I pulled off three pair of stockings and a pair of socks, his black breeches and his drawers, and they came off very well. There was a man in the company that desired to help, so I got upon the table and set him upright with his breech upon the table and his feet hanging down, we unbuttoned his coat and pulled it off: I came to his flannel shirt, and when I came to his back there was blood. But I did not see any blood till I came to his backpart. About his throat had pulled out of his body. There was an order to get him stripped, I pulled off his shoes: his shoes were clean: I pulled off three pair of stockings and a pair of socks: I pulled off his black breeches and drawers. We set him on his breech upon the table, with his legs hanging down, unbuttoned his coat and waistcoat, pulled them off, but we could not bend his arms when we came to his shirt, so we tore it open. Upon his back there was some blood, but upon his flannel there was none. I have one thing more to say, There was a place, black, round about his throat, which looked as if he had been strangled, and his neck was weak and loose, and had no strength in it all, by which it's evident he was murdered.

was something that had girt him.

L.C.J.: He looked as if he were strangled, did he?

Mr Fisher: Yes, and his neck was so weak that you might turn it anywhere.

[To another witness.]

L.C.J.: Did you observe the flies busy at that time of the year?

(A great laughter in the court, the time being in the midst of October and snowy weather.)

Now, if we look closely at the passage quoted from the authorized report, we shall see that there is reason to suspect an omission. Speaking of the stockings, socks, breeches and drawers, Fisher says, "They come off very well." He is evidently about to mention some article of clothing which did not come off well. We can even see what this was, for he is made to pass over one article. He says, "We unbuttoned his coat and pulled it off: I came to his flannel shirt." Mention of the garment between the coat and the flannel shirt is evidently suppressed.

We may the more readily believe that Fisher deposed at the trial as Mason's reporter gives his evidence, as neither L'Estrange nor any one else at the time saw the immense significance of the suppressed passage. L'Estrange insists on the testimony merely to show the absurdity of the story of cramming a body in this condition into a sedan-chair. Lord Castlemain had made a similar comment in his "Compendium" (p. 70). The passage was no doubt omitted for the same reason. No one at the time saw how vital a point this was in the question of the manner of Godfrey's death. It is a point wholly overlooked by modern writers. When L'Estrange wrote, the phenomena of rigor

mortis (cadaveric rigidity) had not been studied. Cadaveric rigidity generally sets in within five or six hours after death, and, generally also, lasts from sixteen to twenty-four hours.*

But cases are known in which the duration of rigidity has been much longer. Dry, cold air favours a persistence of the symptoms. Cases are recorded in which rigidity continued for fourteen days, and even longer. From its long continuance in the present case, we can infer, almost with certainty, that the body had remained since death in the open air. The weather was certainly cold. On the body were found three pairs of stockings and one pair of socks. Here we must bear in mind that the dates of Godfrey's disappearance and the discovery of the body, viz., October 12 and 17, are the dates according to the old style, being ten days behind the real date. The disappearance was really on the 22nd, the discovery on the 27th. It is probable that the weather was frosty. The question was asked of a witness at the trial of Thompson, but he could give no certain reply. The reader will not have failed to notice the spontaneous testimony of Mason's reporter, "the time being in the midst of October, and snowy weather." Snow or hail fell on the night of the 17/27th. All this tells of a low temperature, favourable to the continuance of cadaveric rigidity. But exposure to the cold air of the open would seem to be a requisite condition of so prolonged a continuance of the phenomenon. Rigidity would set in shortly after death. Clearly, therefore, the arms either took naturally at the moment of death, the position they had when the body was found, or that position must have been artificially given to them

* Taylor's "Medical Jurisprudence," ed. 1894, I, p. 54.

by the murderers, soon after death, in view of the attitude intended to be given to the body when it was finally arranged in the ditch.

As this last supposition is too extravagant for belief, we are driven to the conclusion that rigidity came upon the body as it lay in the ditch. The coroner stated to the Lords' Committee that "Godfrey was found in a position he could not fall or put himself." But of this we are just as well able to form an opinion as the coroner. He did not see the body as it lay; he had, as we have, to rely on the statements of those who saw the body and ascertained its position by groping about it in the dark. The position of the body, with the hat and periwig in front of it in the ditch, lying with face downwards, with one arm under the head, the other stretched out, appears to be exactly the position which a man falling on his sword would necessarily take. Even leaving out of view the question of rigidity, is it credible that so natural a position can have been given to the body by men working in the dark?

It seemed possible that the marks on the breast ascribed to beating with some obtuse weapon, might admit of a different explanation. But at this point of the inquiry, it became clear that the evidence as to the state of the body, the position of the limbs and so forth, had never been properly studied. A mere layman could, with the aid of books, see that the whole case needed investigation by a competent authority on forensic medicine. Fortunately, Dr Freyberger, to whom an outline of the case was at first submitted, took great interest in it, and gave to the study of the evidence much time and care. Dr Freyberger is too well known for it to be permissible to say more

than that, being constantly engaged in the solution of similar problems, his opinion must have the greatest weight. His conclusions on the medical aspects of the case are given in full at the end of this chapter. A portion may be quoted here. After summarizing the evidence establishing the position of the body, Dr Freyberger says: "It would be impossible to give such a position to a dead body which had been brought from a considerable distance, and therefore some considerable time after death, when rigor mortis would no doubt be present, and greatly interfere with the arrangement of such a 'life-like' position. And, if the body had already become limp again, such an attitude as the stiff right arm which was found stretched out and resting on the bank of the ditch, could not have been produced by any amount of poising."

Godfrey's sword was, no doubt, the sword ordinarily worn by gentlemen at the time, with a blade about thirty-three inches long; quite flat and pointed sharply at the end; increasing gradually in width and thickness towards the handle. Dr Freyberger is of opinion that the wound made by such a weapon would not necessarily be followed by external hæmorrhage. His conclusions support the statement made by L'Estrange, that "the sword stopped the fore part of the wound as tight as a tap."

On this subject he says: "Notwithstanding the more than fragmentary evidence as to the signs observed at the inspection of the dead body, the balance of opinion must unhesitatingly incline towards the wounds having been self-inflicted, and the marks of strangulation, and the bruising of the chest and abdomen having been due to post-mortem hypostasis. Thus, in my opinion, the cause of death

was most probably internal hæmorrhage from wounds that were self-inflicted."

The persistence of cadaveric rigidity for so long shows that the body had remained since death in the open air. If the body was brought from a distance—and, as shown by maps of later date, the White House was the only house near the spot—then we must suppose that the murderers gave to the body an artificial attitude exactly suited to the place in which it was intended to place it. The supposition is too far-fetched for acceptance; in spite of evidence to the contrary we are driven to the conclusion that the body must have lain since death in the ditch in which it was found.

It is, then, established by circumstantial evidence as nearly as is possible that, by whatever means, Godfrey met his death in the near neighbourhood of the ditch. Several persons saw him on the fatal day; some of them met him in the open country; not one observed that he was followed. As Dr Freyberger points out, no evidence was produced to indicate a struggle. Yet Godfrey was armed; to Mr Robinson, the prothonotary of the Court of Common Pleas, he said he did not fear attacks "if they come fairly, and I shall not part with my life tamely."* Therefore, not only was he armed, he was on his guard. The fiction elaborated by Prance's tutors assumed the participation in the murder of four persons. This gives the measure of current opinion as to the force required to carry out the murder. There is no greater solvent of the tie between criminals than the prospect of immunity for him who will betray his fellows. In the present case there was not only immunity to be gained; the first informer would

* "State Trials," VII, 168.

earn a reward which would be very large to-day, and was relatively much larger in 1678. Not only did a pardon accompany the reward, there was the promise of protection from the vengeance of fellow criminals and abettors. All these temptations failed to produce so much as a single syllable of real evidence of murder. From that day to this, no death-bed confession, no imprudent confidence has ever revealed the secret of Godfrey's murder. Was the secret so well kept, or was there, indeed, no secret to keep, none to keep it?

Thus far we have given no heed to a question of the first importance, wholly, or almost wholly, excluded from the coroner's jury: What was the condition of Godfrey's mind?

On this point there was, had it been desired, abundant evidence. We have seen that, immediately on the disappearance of Godfrey, the conclusion was formed that he had been murdered by Catholics. But there was a strong undercurrent of opinion among Godfrey's friends and neighbours, who had marked his disposition, especially since the fatal day when he took, very unwillingly, the depositions of Oates and Tonge. It is clear also that grave doubts existed as to the competence or honesty of the coroner. It is difficult to gather what was the status of a coroner at the time. Even in our own day, there have been cases in which a coroner has been charged with endeavouring to suppress the facts of a case before him. The coroner who directed the inquiry into Godfrey's death was certainly guilty of one irregularity. Before the verdict had been delivered, he gave the order for the burial of the body.* On this point the following

* "Sir Edmundbury's Ghost, or an Answer to Nat. Thompson's Scandalous Letter," etc., 1682.

remarks were made in one of the prints forming the subject of the prosecution of Nathaniel Thompson and the others charged with him. "As to the coroner's warrant for burying the body . . . . it is notorious they are common tricks used by men of his profession, who (if any money is like to come) will usually adjourn the jury and then make such warrants (they knowing that if the verdict be *felo de se*, it is then out of their power to give leave to bury the corpse). And it would be very material if the coroner would declare what he received for that job, and of whom."* There was evidently no need in this case for a hurried order, for whereas the order for burial was given on the 18th, the body was not actually buried till the 31st.

Godfrey's brothers were under the twofold desire of saving the opprobrium of a suicide, and of preserving the estate. It is certain that, for one reason or another, the Middlesex coroner was mistrusted. Two persons of Godfrey's acquaintance, acting, as it appears, with the approval of others, took the unusual course of appealing to Mr Robert White, the coroner of Westminister. Mr Pollock dismisses these two persons as "officious tradesmen." They were tradesmen as Godfrey was a tradesman, and they were, of course, quite out of order in acting as they did, but the facts that they took this step, as, in a manner delegates of the parish, and that the coroner of Westminster listened to them, show that there was a strong feeling on the subject. It is stated that Dr Lloyd, the vicar, spoke to the Westminster coroner.† These two neighbours of Godfrey called on the

* From "A Second Letter to Miles Prance," quoted in "State Trials," VIII, p. 1372.

† "State Trials," VIII, p. 1372.

Westminster coroner, and very pressingly desired him to inquire into the business. He told them that he did not care to thrust himself into the matter, but as they continued to press him, at last so far yielded as to say that, if Godfrey's brother desired it, he would assist the Middlesex coroner. Godfrey's brother having been found, all went off to the house in St Giles's where the adjourned inquest was sitting. Finally Mr White's services were declined, and he retired with a fee paid by Mr Godfrey.*

But the dissatisfaction with the proceedings did not terminate with the close of the inquest. Dr Charles Goodall, a doctor of medicine, living in the parish of St Martin's, having seen the body as it lay exposed at the house in Hartshorn Lane, had doubts shared by Mr Thomas Hobbs, a surgeon, of the parish of St Clement Danes. Both formed the opinion that the body should be opened. Dr Goodall thought this so necessary, for the satisfaction of the public, that he requested Dr Lloyd, the vicar of the parish, to use his influence with the brothers to have a proper post mortem examination of the body made—even though the verdict of the coroner's inquest had then been given. It was proposed that a physician and surgeon from the court, and some eminent physician and surgeon from the city, should join in the operation. Dr Lloyd accordingly made the proposal to the brothers. They refused. No one of the family had ever been opened: it was not necessary for the keeping of the body for so short a time as they intended to keep it. Nevertheless, the body was kept above ground for a fortnight after its discovery.†

* L'Estrange, "Brief History," III, pp. 224, 225.
† Depositions in L'Estrange, III, pp. 316-318.

But a still more decisive proof of dissatisfaction with the proceedings is on record. No one knew Sir Edmund so well as Mrs Gibbon: no one was so much in his confidence. In a reported conversation he addressed her as "cousin," a word which at that time did not necessarily imply consanguinity, but she was probably actually related to him by blood. Mrs Gibbon must have sought an interview with the Lord Chancellor, for he sent to the coroner an order to take her deposition. The jury had sat, perplexed with doubt, even on the partial evidence submitted to them, through the night and well into Sunday morning. The verdict had already been given up when the Lord Chancellor's order reached the coroner. The deposition of Mrs Gibbon is among those, copies of which were handed to L'Estrange. But it bears the date of Sunday. We shall presently see the nature of the evidence she had to give.

There is yet another piece of evidence of the state of the feeling in the parish among Godfrey's intimates. It is found in the funeral sermon preached by Dr Lloyd, the vicar, described by Burnet as "the most zealous man against popery that I ever knew yet." Lloyd played a great part in negotiations with prisoners both before and after trial. He saw them in prison, he pressed for revelations, he carried offers of pardon—on terms. His testimony is beyond doubt when given against the prejudices of the mob. This is what he said in his sermon: "It was suggested that it might be done in distraction, which they said was an hereditary disease in his family; that his father and his grandfather had it before him; that this disease, being stirred up by some misapprehensions, wrought that direful effect upon him to make him

kill himself. I confess I knew not what to think myself till I saw the contrary with my eyes; when I saw he was strangled as well as thrust through, I soon considered that no man could kill himself both those ways." In spite therefore of his prepossessions, Lloyd "knew not what to think" till he saw the body and formed his opinion from an inspection of it. It may be noted that inspection of the body by the two experts, Goodall and Hobbs, produced impressions directly contrary to those created in the mind of the divine. They went away doubting, to seek Dr Lloyd's intervention to procure proper examination of the facts.

We find, therefore, that while the general presumption was that Godfrey had been murdered by Catholics, among those who saw him daily and constantly conversed with him there was strong dissatisfaction with the manner of conducting the inquiry: that this feeling was so strong that it was reflected in the action of the highest legal authority in England: that medical experts, even after the close of the proceedings, used their influence to obtain a complete post mortem examination of the body. It would be difficult to imagine circumstances more strongly condemnatory of the proceedings, more suggestive of doubt, and this, too, in spite of the passion raging outside the area where the facts were best known.

Dr Lloyd's sermon gives us our first hint of the doubt and hesitation in the minds of Godfrey's intimates. The subject demands full consideration.

Dr Lloyd's mention of the grandfather's diseased mental condition is perhaps the only one to be found. That Godfrey's father was subject to mental derangement is well established. L'Estrange refers to a deposition of Mrs Gibbon that

Godfrey's father several times attempted to kill himself: she had seen him bound in his bed; on one occasion he wounded three of his children, almost mortally, with a cleaver.* Sir Edmund was well aware that he inherited his father's disease: he frequently spoke to Mrs Gibbon on the subject: "Oh, cousin, I do inherit my father's deep melancholy: I cannot get it off: I have taken away a great many ounces of blood, but I cannot get the victory." "I am best alone: I cannot get off this melancholy: my father's dark melancholy hath seized me. It is hereditary, and I cannot get it out of me."

Godfrey went often to Richmond, where he lodged near Mr William Church, of the Inner Temple. Godfrey walked much alone, shunning company and the gentry. Church was scandalized by observing that Godfrey played at bowls with footmen and "ordinary fellows." He remonstrated with Godfrey, who replied that company was very irksome to him: he bowled and exercised with those mean people for the sake of exercise and to divert his melancholy, which so overpowered him that his life was very uneasy and burdensome to him. This was about a year before his death.†

This melancholy was greatly aggravated by his being dragged into the outskirts of the plot. Oates had told Burnet and Stillingfleet that they were marked out for destruction. Probably he held the same language to Godfrey, on whom, in his disordered condition, such threats may have made an impression. That his mind was full of forebodings is clear. In the funeral sermon, Dr Lloyd said: "I believe that the weightiest business he

* "Brief History," III, p. 183.
† "Brief History," III, pp. 181-183.

ever had was that which made him say, some days before his death, 'I am told I shall be knocked in the head.' He said this in my hearing, without any visible concern" (p. 25). He said the same thing to Burnet. Mr Robinson, a justice of the peace for Middlesex, informed the House of Commons that he met Sir Edmund at the sessions at Westminster on the Tuesday and Wednesday before he was missing. Godfrey told him that he had taken the depositions very unwillingly. "I have taken them, and I know not what will be the consequence of them: but I believe I shall be the first martyr."*

On the Tuesday before the fatal day he called on his intimate friend, Mrs Gibbon, and desired to speak with her alone. She went with him into a room, the door of which Godfrey bolted. Then he asked her, Had she not heard that he was to be hanged? All the town was in an uproar about him. He had taken the depositions of Oates and Tonge a month ago, and though he had afterwards dined with the Lord Chancellor and the Attorney General, he had never discovered the plot they had sworn to. He called again the next day; she excused herself for a moment while she put on her hood, and when she returned he was gone.

Mr Thomas Wynel was an intimate acquaintance, and in the last days was in treaty with Godfrey for the sale to him of some houses. He often reasoned with Godfrey about his extreme sadness and melancholy. Godfrey told him he was master of a dangerous secret, which would be fatal to him. At another time he told Wynel that Oates and his friends would end by falling out; Wynel might live to see the end of it, but he would not.

* "Journals," October 24, 1678, IX, 520.

There was a strange scene after the meeting of the vestry on the evening of the Friday, the day before Godfrey's disappearance. Before going to the vestry Sir Edmund had called on one Henry Bradbury, showing signs of trouble, to tell him that he would make up certain accounts in which Bradbury was interested, and that, when the vestry was over, he would meet Bradbury at Colonel Welden's. Godfrey came hastily into the vestry a little before its rising. He, who was known as "the mouth of the vestry," was on this occasion quite silent, sitting with his face on his hand. Only once did he raise his head to say, "That will not do." Afterwards, his fellow vestrymen expressed the opinion that in countenance and behaviour he was much altered.

When the vestry rose, he desired Mr Radcliffe to go with him. Mr Hemes, another member of the vestry following them, Godfrey invited him to go with them. Arrived at Colonel Welden's, Godfrey asked Radcliffe to help him off with his coat. Radcliffe objected that the weather was cold, but Godfrey persisted, took off his coat, threw it on to the window, and seated himself at a table at the further end of the room. Radcliffe remarked the action and the manner of it as extraordinary. On the way Godfrey had told Radcliffe that he had done a wrong to Bradbury and was resolved to right the matter that night. Radcliffe, seating himself by Godfrey, asked what troubled him about Bradbury? He had made Bradbury pay forty shillings for a fault which was not his; Bradbury must be repaid out of parish funds, if Radcliffe agreed. Bradbury was sent for and was paid. "Sir Edmund," said Radcliffe, "you are in a very good mind." "Yes," replied Godfrey, "I

am resolved to settle all my business to-night, and the accounts shall be brought in your name and not in mine." Then he passed to something else. He used to give ten shillings a week in bread to the poor: he would change the baker. Bradbury, a baker, asked whether he should bake the bread. Godfrey agreed, and said that he had charged or would charge the amount by his will, to be paid out of some rents. Then he went on to speak of some outstanding parish accounts. This matter also was settled. Then, for the third time, Radcliffe asked Godfrey, Had he now done? Sir Edmund replied, Yes; clapped his hand upon his breast and said that now he was at quiet; his conscience was clear. As they drank a glass of beer together afterwards, Radcliffe asked, What news? To which Godfrey answered that they would shortly hear of the death of some one—perhaps he used the word murder—and he was confident that he himself would be the first.*

They parted. Godfrey went home, and on his last night in Hartshorn Lane, tumbled over drawers and trunks, and burnt papers: as many, his servant said, as her apron would hold.

On the morning of Godfrey's last day in the world, his clerk, Moor, helped him on with his coat, a new one. Godfrey changed this: his old coat would serve well enough that day. He went out at the door of the house, and at the gate of the yard he suddenly stopped, turned to Moor, looked as if he would speak, but after a few moments went his way silently. Londoners were afoot early in those times, when Parliament met at eight o'clock, and the law courts sat at nine. Mrs Gibbon sent her daughter early to ask Godfrey to dine

* L'Estrange, "Brief Hist." III, pp. 301-4.

with her; she reached the house by eight, but Godfrey had already left home.

L'Estrange collected evidence of his wanderings. About eight or nine he was seen by three persons in company in St Martin's Lane. Of Parsons, who also met him in St Martin's Lane, he asked the way to Paddington Woods, though it was his accustomed walk and he knew the way thither as well as he of whom he asked it. He was next seen in Soho; then by two persons in Marylebone Fields, about nine. About ten, he was met coming back towards London. Then, for a time he is lost. About one o'clock, Radcliffe, his friend and fellow vestryman, an oilman, whose shop was in the Strand, saw Godfrey passing his door. He asked him to dinner, but Godfrey said he was in haste —he could not stay; he took his hand from Radcliffe's, and "speaking very earnestly" went hastily away, leaving Radcliffe wondering.

On Friday evening Colonel Welden had asked Godfrey to dine with him on the Saturday. He neither accepted nor refused: he could not tell whether he should. But he had agreed with Mr Thomas Wynel to meet him at the Colonel's. When Godfrey did not appear, a messenger was sent to Godfrey's house; later Wynel himself called without finding him. When Godfrey was in the Strand, he was close to his own house, but he did not call there. Neglecting his appointment with Wynel, refusing his old friend, shunning his own home, dinnerless, he continued his aimless wanderings.

He was seen in Clare Market (then called the New Market), and about one o'clock, in Lincoln's-Inn-Fields. Then, crossing the Fields, he went out at the Turnstile, crossed Red-Lion-Fields, and

again set his face northwards. Two men walking together saw him near Primrose Hill. Godfrey was unknown to them, but we have seen that he was a man easily identified. Finally, one Baker saw Godfrey in his father's forty-acre field near the White House. It was either Godfrey or "the devil in his clothes."*

Michael Godfrey told the Lords' Committee, "We can trace Sir Edmundbury only to about three on the Saturday in the afternoon."†

The date of his deposition is October 24, before Bedloe and Prance had produced their fictions. Probably it was to the movements afterwards set out by L'Estrange that Michael Godfrey referred: there is no other authentic evidence of Godfrey's doings.

The whole story of the wanderings of the afflicted man is thus summed up by L'Estrange:

"Hardly anybody set eye upon him that did not take take notice of a troubled head in his very look and gait, over and above that even the course of his perambulation was not a jaunt for any man in his right mind to take. Nay, the distraction of his thoughts appeared in the wanderings and irresolution of his steps; it did not look like a walk either for pleasure or for business, but rather the whiling away of so many hours under the fluctuation of sick and doubting thoughts, and in a kind of conflict (as a man may say) between his nature and his disease. 'Tis much to be suspected that at his first setting out, he had the very thing in his eye, as well as the place, and that, if a body may

* L'Estrange, "Brief Hist." III, pp. 172-176; 188-190; 299, 300. Welden's dep. to "Lords' Com. Hist. MSS." Com. xi, pt. ii, p. 48.

† "Hist. MSS. Comm." ubi supra, p. 47.

gather anything either from his melancholy or from his inquiring the way thither, he went probably to those very fields, for Collins and the milkwoman saw him thereabouts, and Mason met him then at ten that morning, coming back again, which in a reasonable construction, was no more than to say that his heart had not served him to go through with his work that bout. After his return, we have him again in the Strand, New Market, Lincoln's-Inn-Back-Gate, the Fields, Turnstile, Red-Lion-Fields, and so forward to the very next close where the body was found."*

What can be clearer? There is first the hereditary taint, descending from grandfather and father. Symptoms of melancholia are recorded as showing themselves a year before the fatal end. Then came the affair of the depositions of Oates and Tonge: sorely against his will he found himself entangled in a business difficult to him if not dangerous. He exaggerates his danger; he will be knocked on the head; he will be the first martyr: the whole town is in an uproar about him; he is to be hanged. He is a just man; he has wronged some one; he sends for him, rights the wrong—a small matter indeed—then he is at peace. He goes home and that night burns his papers. The next day he sets out from home in a condition of mental disorder remarked by all who meet him; he wanders out to his old haunts; turns back irresolute; passes his own house, refuses his old friend, neglects an engagement, and, after aimless wanderings in the streets, sets out once more to his end. Against the mass of evidence establishing Godfrey's mental disorder, all that Mr Pollock has to say is that "The frank eyes of Godfrey's

* "Brief Hist." III, pp. 219-220.

portrait, and pleasant expression of the lips belie the idea of melancholy."

Dr Freyberger, after reciting the evidence, thus sums up this part of the case: "The evidence as to the deceased's state of mind and his movements before his final disappearance, show clearly that Sir Edmund Berry Godfrey was suffering from melancholia, and there can be no reasonable doubt that he committed suicide while he was in this state of insanity."

In order not to break in upon the narrative, two points have thus far not received our attention. They are of the smallest, but much was made of them at the time, and they are insisted on by Mr Pollock. Godfrey's clothes were said to have had drops of white wax spilt upon them, and wax candles were used only by the rich and by priests. As the body was brought into the White House, we can easily suppose one and another person striving, with candle in hand, to get a view of the body. It would be strange indeed if the eye of faith could not transmute the droppings of tallow candles into wax droppings. But there is more in the story of the wax droppings than meets the reader's eye. We have in Dr Lloyd's funeral sermon an epitome of the stories and imaginings current before the "discoveries" of Bedloe and Prance. "God knows where they kept him! We only know that it was under restraint, and it was not altogether in darkness, by the wax candle drops upon his clothes, though it was like it in usage, that hellish usage that he endured. Ah, poor soul, how many comfortless hours did he reckon in that merciless trap where they kept him! .... We know nothing but what appeared in his body; his sunk belly, his empty stomach, his blanched tongue, were all witnesses

of his cheer . . . . Yet we cannot say they starved him" (pp. 20, 21).* The last sentence at least contains a candid admission. Lloyd was on this occasion surpassed by the author of "The Second Part of the Growth of Popery," supposed to be Ferguson, the plotter. "They conceal him some days even behind the holy altar at Somerset House. . . . . and, so jocund were the conspirators after they had accomplished this damnable murder, that some of the devils danced round the dead corpse, as he lay thus murdered, spitting some of their venom upon the dead heretic's face." † The devils who danced round the dead corpse were popularly supposed to be the ladies of Somerset House—the Queen of England and her suite—who bore in their hands wax lights snatched from the altar of the chapel. If at the present day we are asked to accept the story of the wax droppings, we are in turn entitled to ask what deduction is to be made from them; are we to accept Dr Lloyd's dungeon, in which the prisoner was visited by priestly jailers bearing wax lights, or Ferguson's devils dancing in a ring, spitting venom on the dead heretic's face, and in their wild dance letting fall on his clothes drops of wax from candles snatched from the altar? Here again, as in the case of the alleged order given by the Duke of York to assassinate Godfrey, Mr Pollock is provokingly silent. We are not told which of the two stories he adopts.

* Other stories current at the time were that Godfrey's body had been opened, when it was found that the stomach was empty; he had been starved to death. Pins and needles had been thrust in below his finger-nails. A scrap of paper had been found on the body, stating that he had fallen into the hands of his enemies; that he knew not where he was, but suspected it was in Somerset House ("Les Conspirations d'Angleterre"). Lloyd evidently glances at the first of these rumours; the last gave a useful hint to Oates and his friends. † pp. 212, 213.

The other point is the insistence on Godfrey's "clean shoes." It is very distressing to find so much said about these clean shoes. L'Estrange was at the pains to collect evidence to show that the weather was dry, but he might have spared himself the trouble. It is on all hands admitted that Godfrey walked from Charing Cross to Paddington Woods and back, walking about from an early hour till at least one o'clock. That, surely, was sufficient to dirty his shoes, if the ways were not clean?

The cleanness of Godfrey's shoes proves two things:

1. That they were not dirty. 2. That the streets, ways, paths and fields by which or over which he walked, wearing those shoes, were free from mud. "If," says Mr Pollock (p. 102), "Godfrey had walked thither [to Primrose Hill] to commit suicide, his shoes would have told a tale of the ground over which he had come." It is difficult to follow the argument. Mr Pollock admits (p. 97) that Godfrey had been seen near Paddington, at that time quite in the country. Were, then, the ways about Paddington less miry than those about Primrose Hill? Or do a man's shoes remain clean or become dirty according to the purpose in his heart? Do the same shoes on the feet of the same man become dirty if the man is meditating suicide, or remain clean if the walk is merely for exercise or pleasure? The only moral of the story of the "clean shoes" is, that a story once told will be repeated over and over again, from generation to generation, by writers who do not take the trouble to give to it two minutes' consideration. This story of the "clean shoes" is, indeed, a specimen of what North calls "plot logic," on a par with the conten-

tion that Charles was in a plot to murder himself, and that the Catholics murdered Godfrey in order to strike terror into the hearts of Protestants, while at the same time they did their best to conceal the assassination by trying to make it look like suicide.

Dr Freyberger's Conclusions

Before giving Dr Freyberger's conclusions, it will be proper to set out the information submitted to him. This was:

A summary of the facts of the case.

The depositions at the inquest, and the full text of the verdict.

Medical and other evidence given at the trial of Green, Berry and Hill.

The same at the trial of Thompson, Pain and Farwell.

Extracts from the depositions collected by L'Estrange, with a statement of the circumstances in which those depositions were taken.

Extracts from L'Estrange's "Brief History of the Times."

Extracts from Dr Lloyd's funeral sermon, and other evidence respecting Godfrey's mental condition.

Note on the medical evidence on pp. 100, 101 of Mr Pollock's "Popish Plot."

Information as to the sword ordinarily worn by gentlemen in Godfrey's day.

These are Dr Freyberger's conclusions:

Sir Edmund Berry Godfrey was a tall, strong man.

His body was found lying extended at the bottom of a ditch, which was almost hidden among

bushes and brambles. No evidence of footprints or other signs, such as bending or breaking of twigs, was brought forward at the inquest; yet such signs would, in the circumstances, and having regard to the character of the locality where the body was found, have undoubtedly been observable had the body been transported to that place and there deposited by some person or persons.

The position in which the body was discovered in the ditch—with the head resting on the left arm doubled up under it, and the right arm stiff and stretched out; the hips bent; the knees resting on the ground at the bottom of the ditch; the feet raised and resting on some brambles—is indicative of having been assumed at the moment of death. The body must have become stiff in that position. It would be impossible to give such a position to a dead body which had been brought from a considerable distance, and therefore some considerable time after death, when rigor mortis would no doubt be present, and greatly interfere with the arrangement of such a "life-like" position; and if the body already had become limp again, such an attitude as that of the stiff right arm, which was found stretched out and resting on the bank of the ditch, could not have been produced by any amount of poising.

The supposition that the body rapidly grew stiff in the position in which it was found, is further strengthened by the fact that it was a cold day on which the deceased came by his death, for on the feet were one pair of socks and three pairs of stockings.

Blood was said to have been observed by several witnesses lying in "gobbets" at the

bottom of the ditch; other witnesses denied that there was any blood; but the point whether there was or was not any blood in the ditch is more or less immaterial, for reasons discussed further on.

There were observed no marks which would have shown that the deceased had defended himself against the fatal assault to which he was supposed to have fallen a victim: neither the clothes nor the body showed any signs which were, or could have been, interpreted as such marks of self-defence.

The head, eyes, lips, mouth, ears, neck, chest and abdomen were black and blue, as if "one mass of bruises": except where the wounds caused by the sword were situated, there was no abrasion or break of the continuity of the skin. When dead bodies are allowed to lie on the face and stomach for some time after death, post mortem hypostasis develops in these parts, and on turning the body back afterwards, the ecchymosed parts present the appearance of being bruised. No evidence was produced at the inquest which would have proved these extensive "bruises" to be other than discoloration due to post mortem hypostasis.

The head and neck being the lowermost parts of the body as it lay in the ditch, became soonest limp: there was no direct evidence of any fracture of the neck adduced at the inquest or subsequent inquiries by any of the medical and other witnesses. If the neck had been "distorted" or "dislocated" it would have become fixed, and not loose, so that "the chin could be turned over to either shoulder." This stiffness would have persisted after death, and been obvious to all who saw and moved the body.

The mark encircling the neck was not caused

by a linen cloth, but—as Dr Lazenby properly said in a deposition made before L'Estrange, it was produced by the high collar which the deceased wore at the time of his death. The process of post mortem hypostasis made the skin above and below ecchymosed and swell up, thus forming a circular band of depression into which the collar of the deceased fitted perfectly. When the collar was released, as the body lay on the table in the White House, this mark became quickly obliterated.

The weapon wherewith the wounds in the chest were produced, went in on the left side under the nipple and came out through the right shoulder, obviously penetrating the right shoulder-blade, against which it "crashed in the plucking of it forth." Both lungs and the heart were presumably pierced by the sword. In the absence of any post mortem examination, the extent of the internal injuries can only be surmised. When—as must have been the case in this instance—large hæmorrhage occurs into internal cavities, shock takes place immediately, and the external wound or wounds need not bleed at all—not to any appreciable extent at any rate. The weapon most likely, according to the fashion of the day, was a straight, thrusting sword, sharpened at the end, with blunt edges along the rest of the blade. The wound produced in the skin would thus be produced by an instrument partly sharp-cutting and partly blunt. In such cases it is invariably found that the wound in the skin is much smaller than the diameter of the instrument with which the skin has been pierced, the requisite amount of aperture being produced by the stretching of the skin, which, as it were, tightly grips the weapon

sticking in the wound, and thus may prevent external hæmorrhage. When the sword was withdrawn, the wound bled profusely, both when the body was transported and when it was lying on the table in the White House.

The clothes in front were not pierced, but carefully opened and turned aside. There is no evidence reported of any blood stains having been found on any part of the clothes, except at the back, after the body had been transported to the White House.

There was an impression in the ground near the edge of the ditch, which some witnesses held might have been produced by the pommel of the sword. Again, there was no note taken as to whether the pommel of the sword bore any traces of mud or blood.

Notwithstanding the more than fragmentary evidence as to the signs observed at the inspection of the dead body, the balance of opinion must unhesitatingly incline towards the wounds having been self-inflicted, and the marks of strangulation and the "bruising" of the chest and abdomen having been due to post-mortem hypostasis.

Thus, in my opinion, the cause of death was most probably internal hæmorrhage from wounds that were self-inflicted.

It now remains to inquire into the mental condition of Sir Edmund Berry Godfrey.

What was the state of his mind?

Sir Edmund Berry Godfrey was hereditarily tainted.

His grandfather had suffered from melancholia.

His father was disordered and melancholic; he was often beside himself, and seriously wounded three of his children with a cleaver; he had to be bound, and tried to commit suicide.

Sir Edmund himself was retiring, morose; his life was "burdensome and uneasy;" he feared being knocked on the head, or hanged for not having disclosed certain depositions which he had taken in his capacity of justice of the peace; he tried to "divert his melancholy"; when speaking to Mrs Gibbon, he bolted the door, and said:— "Oh, cousin, I do inherit my father's deep melancholy. I cannot get it off; I have taken away a great many ounces of blood, but I cannot get the victory."

On the day before his disappearance, he suddenly settled some old scores in a manner that made every one wonder at his strange behaviour; he took off his coat and piled it up on the window-sill, seating himself at the farthest end of the room; he appeared "extraordinary," and replied to a question, "I have resolved to settle all my business to-night." He passed from one subject to another; at last he is "quiet," and "at rest," and his "conscience is clear."

In the evening he turned over his drawers and trunks, and burnt as many papers and letters as Mrs Pamphlin's apron would hold.

The next morning, he changed his new coat for an old one, observing "that it would serve that day well enough;" when going out, he turned round and looked long and strangely at his clerk, Moor, as if he wished to speak to him; then suddenly swung round, and disappeared up the yard. Next he was seen wandering aimlessly about the fields in Marylebone, having asked the way to Paddington Woods, which he knew well enough, as it was his favourite walk; then he turned back in the middle of the day, cut his friend Radcliffe, whose door in the Strand he passed; set out again

north, where he was last seen, near the White House, in the afternoon. He then disappeared from view, to be found some days later, lying dead in a ditch at the foot of Primrose Hill, transfixed through the chest by his own sword.

The evidence as to the deceased's state of mind and his movements before his final disappearance show clearly that Sir Edmund Berry Godfrey was suffering from melancholia; and there can be no reasonable doubt that he committed suicide while he was in this state of insanity.

Chapter IV—The Executions

THE fateful verdict was found on Sunday morning, after the jury had sat in debate all night. It stamped Oates's plot as authentic. After the first revelations, the credit of the plot had waned, to be for a time restored by Coleman's letters. When men had time to think, it was seen that whatever these letters contained, they contained nothing bearing any relation to the plot as revealed by Oates. Once more the plot began to "reel and stagger in its credit," but now it was finally and firmly established, and Oates and Tonge carried all before them. On this same Sunday of the verdict, October 20, a royal proclamation was issued, reciting the finding of the coroner's inquest, and offering the reward of £500 for the discovery of "a so horrid and detestable murder." Four days later, a second proclamation was issued. The king had been assured that some persons were deterred from giving information by fear of revenge on the part of the murderers or their friends. Such persons were assured, "on the word of a king," that His Majesty would take effectual courses for their protection.

Between the issues of these two proclamations Parliament had met, on October 21. On this day began the memorable sixteenth session of the "Long, or Pensionary, Parliament," elected in 1661. The king could not but refer to the plot. "I now intend to acquaint you—as I shall always

do with anything that concerns me—that I have been informed of a design against my person by the Jesuits, of which I shall forbear an opinion, lest I may seem to say too much or too little. But I will leave the matter to the law." In these last words Charles expressed a determination from which he did not swerve. In the speech of the Lord Chancellor were words of foreboding: "There is so strange a concurrence of ill accidents at this time, that 'tis not to be wondered at if some very honest and good men begin to have troubled and thoughtful hearts: yet, that which is infinitely to be lamented is, that malicious men, too, begin to work on this occasion, and are in no small hopes to raise a storm that nothing shall be able to allay."

The forebodings of the Chancellor and the hopes of the storm-raisers were alike fulfilled. On October 21 in the Commons, and on the 23rd in the Lords, committees were appointed to examine concerning the murder of Godfrey and to inquire into the horrid design of the plot. "As," says Ralph, "physic to the patient is food to the doctor, so the party leader finds his account in the calamities of the public." The unscrupulous politicians had got the staple of their trade, "a cry," such a cry as has rarely fallen to their lot. To do them justice, never was a cry exploited with greater persistence, more diabolic skill or more astounding results.

Godfrey's body was brought into London and exposed to public view for two days, says Burnet; "for a great many days together," says the author of "The Second Part of the Growth of Popery" (p. 212). The latter account is probably correct, as the funeral did not take place till October 31. "The body," says North, "was brought to town with

a prodigious attendance of rabble, and laid in the street, exposed to the view of all comers; and all that saw it went away inflamed. It is not easy to imagine what a consternation as well as fury this spectacle caused in the minds of the common people." "Men's spirits," says Burnet, "were so sharpened upon it, that we all looked upon it as a very great happiness that the people did not vent their fury upon the papists about the town." "It is not possible," says Sir John Reresby, "to imagine what a ferment the artifice of some and the real belief of others concerning this plot put the two Houses of Parliament and the greater part of the nation into." We have already seen something of the play of this frenzied madness. The day of the funeral came. Nothing was left undone to "improve the occasion." The funeral procession mustered at Bridewell, and walked to St Martin's-in-the-Fields. It was formed of seventy-two London divines and above a thousand persons of distinction, followed by a prodigious crowd, "so heated," says North, "that anything, were it cat or dog, had probably gone to pieces in a moment. The Catholics all kept close in their houses or lodgings, thinking it a good composition to be safe there: so far were they from acting violently at that time." In the pulpit stood, beside Dr Lloyd, the preacher, two "thumping divines" to prevent his murder by the papists.

All contemporaries agree that it would be impossible to convey a just idea of the panic fear that possessed the hearts of men.

It was on the stage, thus carefully prepared, that the long expected "discoverer" stepped to earn the reward of £500 and the gratitude of the nation. Bedloe's move was singular and incom-

prehensible. As we have seen, he was on his road to Bristol, when, on October 30, he wrote from Newbury to Sir William Coventry, secretary of State, desiring that an order might be sent to the mayor of Bristol to arrest him and send him back to London. It is difficult to see what can have been the object of this move, unless, perhaps, it was sought to create the impression that he was arrested in his flight from the scene of the crime. What is certain is that Bedloe misrepresented his movements in the evidence he gave at the trial of Green, Berry, and Hill. He swore that he went to Bristol; that "at last he was convinced, and could no longer forbear discovery"; and that he then wrote to the Secretary of State. This misstatement must have been made with the connivance of the law officers of the crown, as the actual facts must have been known to them.

Bedloe was sent back from Bristol on November 5, arrived in due course, and was examined by the Privy Council on November 7. We have seen what revelations he made.

But while Bedloe was executing this singular manœuvre, his friends or employers in London were also busy. An arrest had been made.

Fortunately we are in possession of full details of the move resulting in the arrest of Samuel Atkins, clerk to Pepys. We have his carefully written narrative, the record of an abortive trial, and intermediate depositions made before the Lords' committee. We see Shaftesbury:

> . . . . in his dark pragmatic way
> As busy as a child at play.

We see the working of the plotters as clearly as the working of bees in a glass hive. The incident

is of such extreme importance in the history of the plot, that it must be told at some length. It throws a flood of light on the aims, methods and morals of the plot-mongers. The methods employed against Samuel Atkins were those employed against all the victims of the plot from its beginning to the last scene, the trial of Dr Plunket, nearly three years later.

Pepys, the secretary of the Admiralty, had, in that capacity, been in close relation with the Duke of York. This would of itself have been sufficient to mark him out as one to engage the attention of the plotters; but there was another circumstance which promised to make him an easy prey. He had already been attacked as a papist or as "popishly inclined." In 1673, he had been returned as member of Parliament for Castle Rising, but a petition was lodged against him. In debating the question of his election, it was said that the House had received information from a person of quality that he had seen an altar with a crucifix upon it in Pepys's house. The informants were required to give up the name of this person of quality, who proved to be Lord Shaftesbury. Pepys, standing up in his place, denied that he had ever had either crucifix or altar in his house. Three members were deputed to wait on Lord Shaftesbury. He denied that he had seen an altar, but as to the crucifix, "he saith he hath some imperfect memory of seeing somewhat which he conceived to be a crucifix." Lord Braybrooke, in the preface to his edition of Pepys's Diary, is indignant that this should have been "the first subject to be inquired into in the adjudication of a controverted election." But the possession of a crucifix was a very serious offence against the law. In an

"Abstract of all the Penal Laws in force," published in 1679, "for the ease of justices of the peace and others who are obliged to put the laws in execution," this is brought to the notice of those concerned:

Any one bringing Agnus Dei, crosses, pictures, beads, or any such vain and superstitious things, or delivering or receiving them, shall incur præmunire.* This was enacted by 13 Eliz., c. 2, sec. 4.

Pepys's clerk, Samuel Atkins, a young man of twenty-one, was the son of a colonel on the Parliament side in the civil war. On November 1, 1678, the day following the burial of Godfrey, Samuel Atkins was put under arrest in consequence of a deposition made before a justice of the peace by one Captain Atkins, known to Samuel Atkins but not related to him. This is the deposition sworn before Sir Philip Howard, uncle of the deponent. Derby House mentioned in the deposition was the Admiralty office.

"Saith, that in Derby House, being in discourse with Samuel Atkins (clerk to Mr Pepys, secretary to the Admiralty), the said Samuel did say that Sir Edmundbury Godfrey had very much vilified his master, and that if he lived long, would be the ruin of him; upon which the said Samuel did ask this examinant whether he did think Child to be a man of courage and secrecy; to which this examinant did reply that the said Child had been

* Præmunire. "As to the etymology of the word, it proceeds from the verb præmonere, being barbarously turned into præmunire—to forewarn, or bid the offender take heed." The punishment of one who fell into a præmunire was that he incurred the same penalty as those who transgressed the statute 16 Richard II, c. 5, commonly called the statute of præmunire. The punishment was, "that they should be out of the king's protection, attached by their bodies, and lose their lands, tenements, goods and chattels," Thomas Blount, "Law Dictionary," 1717.

at sea, and had behaved himself very well, as he had been informed; upon which the said Samuel bid this examinant send the said Child to his master, Mr Pepys, but not to him the said Samuel for that he would not be seen to know anything of it. This examinant did endeavour to find out the said Child, but did not meet with him till the day after this discourse had happened betwixt him and Samuel Atkins, at the Three Tobacco-pipes, in Holborn, where this examinant did tell Child that Secretary Pepys would speak with him; and the next time that this examinant did see the said Child (after that he had given him that direction) he, the said Child, did endeavour to engage the said examinant to join with him in the murder of a man. The particulars of which this examinant hath declared before the king and council Wednesday last past."

The above is taken from a full narrative of the case drawn up by Samuel Atkins.*

Samuel Atkins was brought before the Lords' Committee, those present being the Duke of Buckingham, Lord Shaftesbury, Lord Halifax, the Marquis of Winchester, Lord Essex and the Bishop of London. It is interesting to see how these inquisitors did their work.

After Samuel Atkins had denied the story told by Captain Charles Atkins:

Lord Shaftesbury: Come, come, Mr Atkins, you are a seeming hopeful young man, and, for all I see, a very ingenious one [ingenious and ingenuous were then used indifferently]. Pray, Mr Atkins, what religion are you of?

Samuel Atkins: A Protestant, sir, and my whole family ever so.

* "State Trials," VI, 1474-1492.

Lord Shaftesbury: Did you ever receive the sacrament, or take the oaths?

Samuel Atkins: No, sir, but was under intention to do it on Sunday next.

Lord Essex: It is indeed time.

Duke of Buckingham: Well, Mr Atkins, I never saw you before that I remember; but I swear you are an ingenious man; I see (putting his finger to his forehead) the great workings of your brain, and would gladly, for your own sake, have you declare to us what you know of this matter.

One after another, most of the lords urged him to say something, and expressed great sorrow for his obstinacy. At last, Lord Shaftesbury told him that he would be committed to Newgate. The Lords repeated their advice to him, to declare what he knew, greatly pitying the misfortune which would otherwise befall him. At the close of his examination, Samuel Atkins was again sent to Newgate. Here, except that he was not allowed to see any one, he was not harshly treated; he was confined in a room in the house of Captain Richardson, the keeper of the prison. After five days' imprisonment, Samuel Atkins asked to be carried before the Lords' Committee. He was again confronted with Captain Atkins. In the course of examination Lord Shaftesbury asked, what books used Atkins to read to Pepys? Were they popish books?

Nothing came of the examination, and Samuel Atkins was sent back to prison, with permission to see his sister once only.

On November 8, Captain Atkins came to Newgate to see Samuel Atkins, who implored the keeper not to leave them together. The request was refused. Captain Atkins then told how a man who

had come to town, had sworn positively against Samuel Atkins. This was Bedloe, whom Captain Atkins declared he did not know; he had seen him once only, and then by chance. Later, he admitted that he had known Bedloe three or four months. At the trial of Samuel Atkins, some three months later, Bedloe swore that he had known Captain Atkins several years.

Captain Atkins now told Samuel Atkins that he was sent by his uncle, the justice of the peace, to advise Samuel to confess before it was too late. His fortune might be made by it; what need he care for his master? In the afternoon of the same day, Samuel Atkins was again carried before the Lords' Committee, and confronted with Bedloe. Atkins declared that he had never before seen Bedloe. Bedloe believed he had seen Samuel Atkins somewhere; he could not tell where; he was not sure; he could not swear that Atkins was the person; it was a young man, who gave Bedloe his name—Atkins, a clerk belonging to Derby House; still, Bedloe could not swear positively to Samuel Atkins.

The Bishop of London asked Samuel Atkins where he was between 9 and 10 on the night of October 14? Fortunately for Atkins, Bedloe was for once precise in a date. October 14 was the date on which he had sworn that he had seen in Somerset House, near Godfrey's corpse, "Mr Atkins, Pepys's clerk." This precision as we shall see later was the salvation of Atkins. Bedloe being withdrawn, Lord Shaftesbury thus addressed Atkins:—

"Mr Atkins, if you are innocent, you are the most unfortunate wretch living. Pray attend to what I say: I assure 'tis good news for you. There remains but one way in the world to save thy life,

and that I would have you make use of, and you may do it without injury to yourself if you will. Confess all you know and make a discovery of this matter, and your life shall be saved."

Atkins protested that he knew nothing: his prayers were to Almighty God to give him grace and strength to go through to the last. "Then," said Lord Shaftesbury, "I tell you what, Mr Atkins, and that I ne'er said to you before: Since you are so gallant, I assure you you'll either be hanged or knighted: if the papists rise and cut our throats, you'll be knighted: if not, you'll be hanged."

The Duke of Buckingham suggested that Atkins expected a pardon. To which Lord Shaftesbury replied: "I'll secure him from that, I warrant you: there's three hundred to one."

After this, Samuel Atkins was carried back to Newgate, and kept very close till the 11th, when he was again visited by Captain Atkins, who told him that Bedloe had sworn to the House of Commons that Samuel was in Somerset House when Godfrey's body was lying there. Sir Philip Howard had sent to tell him this, so that he might confess before it was too late. On the following day, Samuel Atkins was visited by four members of the House of Commons. They told him in what a desperate condition he was: there seemed no possibility of saving his life but by pouring himself out in a confession. They again questioned him about October 14: Was he not then in Somerset House? How did he spend the time on the 12th, 13th, 14th?

On November 21, his sister and a lawyer visited him. In view of what Bedloe had sworn, there was but little hope of saving his life: they were doing all in their power to prepare his defence, and had

found from friends how he had spent his time on the critical days. What they had found agreed with his own recollection. When they left him, he asked for paper, which, by permission of the Lord Chief Justice was allowed to him. He now prepared his defence. The grand jury sat and found a true bill against him as a principal in the murder of Godfrey. The keeper of Newgate sent and took away all Atkins's papers, containing the elements of his defence. In his narrative, Samuel Atkins expresses the belief that his papers were carried to the Lords' Committee, who, finding from them what witnesses Atkins would call, discovered where they lived, sent for them and examined them. It was certainly true that by some means they had discovered the witnesses for the defence. This may have been from Atkins's papers, or through the exertions of Pepys, who was going closely into the matter. Pepys had happened to be at Newmarket on the three days in October. In a letter making inquiry as to the movements of Atkins, he says: "I find (if my informations be true) that he employed the opportunity given him for it by that absence of mine, in entertaining himself more than, had I been present, he either could or durst have attempted."*

Most fortunately for Atkins, and probably for Pepys himself, Atkins had, not wisely but too well, "entertained himself" on October 14.

Two sessions of jail delivery passed without preparation for the trial of Atkins. For this postponement there were good reasons. For on December 13 six witnesses, examined by the Lords' Committee, had given evidence completely establishing Atkins's innocence. But the three men

* "English Hist. Review," April, 1892.

charged with the murder of Godfrey were still untried. Failure to convict Atkins would lessen the credit of Bedloe and would thereby weaken the case against Green, Berry and Hill. Atkins's trial was put off till after the conviction of these unfortunates. On the day following their condemnation he was brought to trial, on February 11, 1679, as an accessory, the charge as a principal, found by the grand jury, being abandoned.

Captain Atkins told his story: Bedloe his. Bedloe had seen a young gentleman near Godfrey's body in Somerset House on Monday, October 14. Bedloe had asked him whether his name was not Atkins: the reply was, Yes. Again: Was he clerk to Mr Pepys? Yes: the young man had often seen Bedloe at his master's house. Nevertheless, Bedloe was not sure that this was the man. "You do well to be cautious," said the Lord Chief Justice. Samuel Atkins's schoolmaster testified that Atkins was always a Protestant, "and a very zealous one, too." "There is very much in that," said the Lord Chief Justice.

In the course of the trial, a sad accident befell the Attorney General. It is best told in the words of the report.

Attorney General: We have a witness here to prove that he hath been often seen at Somerset House at Mass, and so he is a party concerned: for those that are of that party, it was their interest to cut him off (Godfrey, that is), and this is the boy (pointing to a boy that was then brought in).

Lord Chief Justice: How old are you, child?

Boy: About seventeen.

Justice Wild: Do you know what, if you swear false, will become of you?

Boy: I will not swear false.

Justice Wild: What, if you do swear false, will become of you?

Boy: I shall be damned.

Attorney General: He is as like to speak truth as another.

Samuel Atkins: What religion are you of, boy?

Boy: A Protestant.

Samuel Atkins: Do you know me?

Boy: No.

Justice Wild: Sir, you are too bold with the witnesses.

Lord Chief Justice: Swear him.

Attorney General: Pray hold, my lord, this is a witness that Mr Ward brings from below. I have him not in my brief. I desire before they swear him, that he would give an account whether he knows the prisoner or no.

Boy: No, I do not. (And so the boy was carried off, with some expressions of Mr Attorney's displeasure to Mr Ward for bringing him in.)

The muse of history has perhaps shed tears of regret that Mr Attorney's expressions of displeasure were not recorded with the exactness befitting the occasion. No other boy was produced. Succeeding ages have therefore been left in doubt whether this was really the wrong boy, or whether the right boy was disconcerted by the rapid attack of Samuel Atkins.

But it was not the failure of the boy to prove the attendance at Mass that saved Samuel Atkins. Taking advantage of the absence of Pepys, Samuel gave himself a holiday on Monday, October 14. One of the king's yachts was lying at Greenwich, and Atkins took two gentlewomen, his friends, to see it. The captain, Vittles, was hospitable; he treated the company to wine, good wine,

just come from beyond seas. They toasted one another and drank "till they were a little warm." Only at half-past ten would the captain suffer his guests to depart. By this time, Atkins was, as North expresses it, "soundly foxed." He and his friends were put into a boat and rowed to Billingsgate where they were put ashore at half-past eleven. The captain's story was confirmed by Tribbett, the boatswain, and the four men who rowed. The hour was fixed by the tide. Never was an alibi more completely established. The Attorney General gave up the case. All that remained to do was to save as much as possible, the credit of the witnesses—"the king's evidence." "But I would desire," said Mr Attorney, "(because some perhaps will make an ill use of it) that they would please to take notice here is no disproving the king's evidence. For Mr Bedloe did not at first, nor doth he now, charge him directly to be the man: so that whoever reports that the king's evidence is disproved, will raise a very false rumour."

The Lord Chief Justice assented, and Mr Attorney went on to show that all stated by Captain Atkins might be true, and yet Samuel Atkins innocent. Again the Lord Chief Justice agreed. Mr Attorney General: "I desire the company may not go away with a mistake, as if the king's evidence were disproved." The Lord Chief Justice: "Not a tittle."

Samuel Atkins was saved, so as by fire. He lived to be a Commissioner of the navy, under William III. Had he not been drunk at Billingsgate at half-past eleven on the night of October 14, he would infallibly have been numbered among the victims of the plot, and perhaps his master, Pepys,

would have followed him. For behind Samuel Atkins stood Pepys, and behind Pepys stood the Duke of York. Samuel Atkins was arrested on a charge for which there was not the smallest foundation, that of suborning Child to murder Godfrey. This broke down; Child dropped out of the case. But a fresh charge was launched. Atkins was accessory to the murder; he was one of those who were to carry the body of Godfrey out of Somerset House. Two charges were brought, each false. The bringing of these charges was not the result of mistake. The object evidently was to induce Atkins by fear of hanging to accuse Pepys, and so, perhaps, to get Pepys to accuse the Duke of York.

If we look back at the way in which Prance was dealt with, we shall see that the machinations were the same in both cases. Imprisonment, threats, visits of a tempter, suggestions of the accusation of others, visits by persons of authority, promises of pardon on condition of discoveries—all these means employed to procure a false confession involving others. Samuel Atkins resisted, and by a rare accident escaped the doom of a murderer. Prance succumbed to treatment far more severe, which brought him to the verge of the grave. Finally, it is to be noted that Samuel Atkins was kept in prison, unable to procure his trial, for two months after the Lords' Committee had evidence establishing beyond doubt his innocence of the charges. The case, in a word, fully reveals the methods employed throughout the whole campaign; the methods employed against Samuel Atkins were the same as those employed against Dr Plunket, the last victim of the Popish Plot. It would be impossible in any reasonable

compass even to summarize the numerous trials. The story of Samuel Atkins, is, *mutatis mutandis*, the story of all the sixteen innocent victims, except in its result. For this reason it has been set out somewhat fully.

This was not the last attempt made to entangle Pepys. By command of the Duke of York, Pepys had made inquiry into frauds committed by one John Scott, who bore, rightly or not, the title of Colonel. Scott revenged himself by bringing against Pepys and Sir Anthony Deane, Pepys's colleague in the Admiralty, a charge of giving information about the navy to the French government, in order to assist in dethroning the king and bringing in popery. On May 22, 1679, Pepys and Deane were committed to the Tower on the Speaker's warrant. They made frequent application for trial, but the applications were refused on the ground that further information was expected. They were at last admitted to bail. Four applications for trial were subsequently refused, but, finally, as Scott refused to stand to his deposition, they were discharged in February, 1680. One James afterwards confessed that he had trumped up a story at the instigation of Pepys's enemies. The matter is mentioned here, as we shall presently see how the release of Pepys was greeted.

That Bedloe and Captain Atkins were working together in the case against Samuel Atkins seems certain. It is almost certain that Bedloe was acting with Oates; that the journey to Bristol was planned between them; and that it had been agreed to bring Samuel Atkins into the story of the murder. Bedloe spoke of Atkins's presence in Somerset House when he was first examined, immediately on his arrival in London.

That Shaftesbury had any hand in the concoction of the narrative of Oates is incredible. The fraud was far too clumsy for ascription to so gifted an artist. It is at best but a "school-piece." When launched, it could hardly have been supposed to have in it the elements of success. It was only the timely incident of Godfrey's death that saved plot and plotters from disaster and destruction. So obvious was this at the time that North, a lawyer of note, ascribed the murder to "the procurement of those very execrable villains behind the curtain, who first gave life and birth to the plot, and inspired the wicked testimony of it. And they ordered the matter so that it did what was designed to be done by it, in an ample restoration of the then declining plot."* Here, again, we have the hypothesis. To those who elect to conduct a historical investigation by this method, the hypothesis that Godfrey was murdered by the procurement of Oates and his gang, may be recommended. It has in it greater probability than the hypothesis of murder by Jesuits in Somerset House.

The proceedings against Samuel Atkins show also the methods adopted by the politicians who exploited the plot. We have seen Shaftesbury taking a leading part in the proceedings. That he was at the head of those who fomented the agitation, is beyond doubt. Mrs Gibbon, who, better than any one knew Godfrey's mental condition, procured the delivery of a paper to the Earl of Shaftesbury, when the matter was "at the hottest." She was sent for to attend the Lords' Committee, when Lord Shaftesbury called to her, saying, "You damned woman, what devilish paper is this you have given us in? putting her upon oath to

* "Examen," p. 197.

declare who wrote it; calling her —— and other vile names, and threatening her that if she would not confess that Sir John Banks, Mr Pepys and Monsieur de Puy set her on to write that paper, she should be torn to pieces by the multitude; threatening her to have her worried as the dogs worry the cats." *

Bromwell, one of the two men who discovered the body of Godfrey, was brought before Lord Shaftesbury, who told him he was set on by some great Roman Catholic to find the body, and threatened him with hanging if he did not confess. He was offered £500 and his life secured, if he would make "discoveries." He was kept nine weeks in prison. Walters, the other finder of the body was also thrown into prison, and was pressed by Shaftesbury to "discover." †

That Shaftesbury took the lead in the exploitation of the plot, is testified by both friends and foes. "In these matters," writes Eachard, "there wanted not incendiaries in both Houses, who knew how to take the greatest advantages from the least discoveries. Of whom none was more quick-sighted or more desperately disposed than the Earl of Shaftesbury, whose resentments and resolutions had been blown up to the height; and if, as probably, he was not the original contriver, he was the grand refiner and improver of all the materials. And so much he seemed to acknowledge to a nobleman of his acquaintance, when he said, 'I will not say who started the game, but I am sure I had the full hunting of it.'" ‡ On another occasion he said: "Let the Treasurer cry as loud as he pleases

* L'Estrange "Brief Hist." III, pp. 100-101.
† L'Estrange, "Brief Hist." III, pp. 97-100.
‡ Eachard, "Hist." p. 945.

against popery, and think to put himself at the head of the plot, I will cry a note louder, and soon take his place."* In a famous pamphlet, "An appeal from the Country to the City," we find this: "Had we not had some such good huntsmen as the right noble Earl of Shaftesbury and our late secret committee to manage the chase for us, our hounds must needs have been baffled, and the game lost."

Every artifice was employed, every incitement applied to keep the public excitement at fever heat. The pamphlet just quoted, "An appeal from the Country to the City," by "Junius Brutus," was published about October, 1679.†

It was written by the deist, Charles Blount.‡ The writer of the life of Blount in the "Biographia Britannica," justly, if ungrammatically, says that "very few, if any one pamphlet in our language is better wrote, in every respect than this." It contains, as the writer admits, the "strongest invective against popery and papists that was published even in that age, when almost all the wit of the nation was pointed that way." The reader, after perusal of the following passage will agree that it was "perfectly well calculated to raise a strong spirit against the papists, as well as to maintain the credit of the plot." Blount begins by asking citizens of note to ascend the Monument,

* "James II, Memoirs, in Life," by J. S. Clarke, I, p. 546.

† Luttrell, "Brief Relation," I, p. 23.

‡ It was reprinted in 4to in the following year. Mr Pollock unaccountably ascribes this famous pamphlet to Robert Ferguson, the plotter. Ferguson was quite incapable of writing it. It is besides, perfectly well known that the pamphlet was written by Charles Blount, in whose "Miscellaneous Works" it was reprinted. It is necessary to correct the error, as the ascription to Ferguson robs this remarkable work of all its significance.

and from that elevation to picture to themselves the following objects "which you will infallibly see come to pass whenever popery prevails. First imagine you see the whole town in a flame, occasioned this second time by the same popish malice which set it on fire before. At the same instant, fancy that among the distracted crowd you behold troops of papists ravishing your wives and your daughters, dashing your little children's brains out against the walls, plundering your houses, and cutting your own throats by the name of heretic dogs. . . . Also casting your eye towards Smithfield, imagine you see your father or your mother, or some of your nearest and dearest relations tied to a stake in the midst of flames, when, with hands and eyes uplifted to heaven, they scream and cry out to that God, for whose cause they die . . . the only commodity will be fire and sword; the only objects, women running with their hair about their ears, men covered with blood, children sprawling under horses' feet, and only the walls of houses left standing."

This was not the raving of one of those denounced by Lord Chief Justice Scroggs as "hireling scribes who write to eat, and lie for bread," but the writing of a cultivated English gentleman. Charles Blount was a younger son of Sir William Blount. He had married early, and his father had given him a good estate. He risked much in publishing this pamphlet. The publisher was prosecuted, not, indeed, on account of these incitements to hatred, but for the treason contained in the pamphlet. It was not that Blount likened the queen to Agrippina who murdered her husband, Claudius. But the pamphlet openly recommended Monmouth, Charles's bastard son,

as successor to the throne, to the exclusion of James, Duke of York.

Blount's "Appeal" was distinguished by ability only from the pamphlets with which the press teemed. Ralph gives an election address, published about the same time as the Appeal. It will suffice to quote one sentence —"Whether the kingdoms of England, Scotland and Ireland are not designed for destruction by the hellish conspiracy of the bloody papists, as hath been declared by two Parliaments, and sufficiently proved by the king's witnesses before the judges of this kingdom?"*

It is remarkable that no single act of violence on the part of Catholics is discoverable to justify or explain these savage yells. There was, indeed, early in the plot agitation, a disappearance which threw the country into renewed paroxysms of fear, as seeming to foretoken a general massacre.

On November 8, 1678, eight days after the funeral of Godfrey, John Powell, a factor or merchant, of Abchurch Lane, left his house early in the morning and did not return. Immediately there arose a "violent presumption" that he had been murdered by papists. According to L'Estrange, twenty-five or thirty pamphlets came out on the subject. If these could be discovered, they could not fail to give a good idea of the state of the public mind. On the 23rd came out a royal proclamation offering a reward of £200 for his discovery. This was published in the Gazette, and the Mayor of Worcester, finding that Powell was enjoying the hospitality of the city, clapped him into prison and sent him up to London. On December 6, Powell was brought before the king

* Ralph, "History," I, p. 475, note.

sitting in Council. Powell told how he had a terrible dream. Before he had come to himself, he went out of his house, then out of town, and, having bought a little horse, went to Worcester. He had some harsh creditors—every one was then calling in his money—perhaps it was their pressing him that drove him from home. The king asked him as to the truth of rumours in circulation. Had he seen a black book and a white book—in the white the names of the friends of the papists; in the black the names of those they intended to destroy? And was Powell's name in the black book? No. He had indeed heard of such books, but had not seen them. So the king good-humouredly advised Powell to go home to his wife, and trust to him to keep Powell and the rest of the kingdom in peace and safety.*

The other affair was more serious in its consequences. There was one John Arnold, a justice of the peace for Monmouthshire, whose zeal for Protestantism outdid even that of Dr Lloyd. He was a great priest-hunter; notably, he had brought to the scaffold two priests, Evans and Lewis. When Arnold came up to London in April, 1680, all was not well with the plot; there had been acquittals, and the credit of the king's evidence had been badly shaken. Could not the credit of the plot be revived by the murder of a second justice? Or if not an actual murder, which would be carrying the thing too far, an attempted murder? Late on the night of April 15, Arnold was discovered on the ground in Jackanapes Alley, off Chancery Lane. He was bleeding at the throat. He did not wear the silk armour invented as a protection against the assaults of Catholics (those

* "Hist. MSS. Comm. Beaufort MSS." XII, App. ix, p. 76.

who wore it were sometimes called "hogs in armour") but he had in lieu thereof "a pair of bodice of whalebone." Notwithstanding this protection, some ruffians who assaulted him contrived to inflict on him—or so he said—wounds seven inches deep, in vital parts. A man John Giles, was tried, found guilty of the assault, fined and put in the pillory, where he was very roughly handled. But Arnold's story was received with incredulity.* It was said that he had passed a razor over his throat, and for this reason he was afterwards known as "cut-throat Arnold." Arnold's zeal was constantly outrunning his discretion. Later, in November, 1683, the Duke of Beaufort recovered damages against Arnold for £10,000 in an action of scandalum magnatum. L'Estrange says that these words were proved against him: "He that says the Duke of York, Lord Marquis of Worcester (afterwards Duke of Beaufort), the Lord Halifax, Sir Leoline Jenkins, are good men, he is a papist, and no good subject, and doth not love the Commons; and I advise all to stab and kill all as do say any of these men are good men; and never go for a warrant, or question them for saying so, but destroy them presently."†

Again, in 1690, he was put into the commission of the peace for Westminster and Middlesex, and in 1698 distinguished himself by the discovery of a plot for poisoning king William in the sacramental wine on Christmas day.‡

These are the only cases in which it was even

* The original report of the trial of Giles is preceded by a long and violent tirade against Catholics.

† "Observator," Nov. 28, 1683.

‡ "Hist. MSS. Comm." 14th Report, appendix, pt. III pp. 141-2.

rumoured that, in these troubled times, a Catholic lifted his hand against one of his oppressors.

The incitements produced their natural and intended effect. Prisoners were brought to the bar of the courts not for trial but for condemnation. Witnesses were afraid to come, for if they came they were subjected to violence: they were confused by hostile demonstrations sometimes invited by the judges, as when at the trial of "the five Jesuits" the people having greeted some attack on the religion of the prisoners with "a great shout," the Lord Chief Justice said: "You must pardon the people's shouting, for you have turned their hearts so, that there is no living for a papist in England, I will maintain it." "And then," says the reporter, "the people shouted again."*

It has already been said that it is impossible to give even a condensed account of the numerous trials arising out of the plot. In an appendix to this chapter will be found a table in which they are enumerated. Excluding the trial for high treason of William Staley, who does not come into the trials arising out of the plot, sixteen persons were executed as the result of charges directly connected with the plot—three for the supposed murder of Godfrey, thirteen for high treason, as

* Lord Castlemain at Langhorn's trial:—"My Lord, I come to wait upon your Lordship and the Court, to give you an account that some of the witnesses that were summoned here for the prisoners are so beaten and abused without that they dare not come to give their evidence for fear of being killed . . . One of them was so beaten and bruised that we can't tell but it may cost him his life."

"That blood-sucker, Chief Justice Scroggs, rejected them all with such passion as that they could scarce get out of Westminster in safety, the mob rising on them and crying, 'Away with them that slander the saviour of the nation!' which I remember very well, being accidentally in the Hall."—"Memoirs of Thomas, Earl of Ailesbury" (Roxburghe Club), p. 140.

having been concerned in designs on the king's life, directly or indirectly. In addition to these, there were many executions under the Act of Elizabeth making it high treason for a Catholic priest to be found in the kingdom. Eight executions followed trials on this count. The sentence carried out in cases of conviction for high treason was as follows: That you be conveyed from hence to the place whence you came, and from thence that you be drawn to the place of execution upon a hurdle; that there you be hanged by the neck; that you be cut down alive; that your —— —— ——; that your bowels be taken out and burnt in your view; that your head be severed from your body; that your body be divided into four quarters, to be at the king's disposal.

This sentence was carried out with all its hideous barbarity down to the middle of the eighteenth century. It is some consolation to believe that the preliminary hanging would make the victim unconscious of the horrors afterwards perpetrated on his body.*

* Not always, as shown by these instances among others: The execution of Mark Barkworth, Feb. 27, 1600-1.

"And the cart being drawn away, in his going off from the cart said the same words as before, 'Haec est dies Domini; gaudeamus in ea.' And being presently cut down, he stood upright on his feet and struggled with the executioners, crying 'Lord, Lord, Lord,' and being holden by the strength of the executioners on the hurdle in dismembering him he cried, 'O God,' and so was he quartered." ("Hist. MSS. Com. Duke of Rutland's MSS." Vol. I. pp. 369-370.)

The execution of Babington, September 20, 1586.

Seven men were executed on this day; first Ballard, then—"Babington (who undauntedly beheld Ballard's execution, while the rest turning away their faces, fell to prayers upon their knees) ingenuously acknowledged his offences; being taken down from the gallows and ready to be cut up, he cried aloud in Latin several times, 'Parce mihi, Domine Jesus,' that is, 'Spare me, Lord Jesus.'"

The odium of these trials has been generally thrown on the Lord Chief Justice Scroggs, whose name has been singled out for execration. It would be well to define the grounds on which we condemn him above others, who took part in these trials. Is he to be condemned for at first believing in the testimony of Oates and Bedloe, or for subsequently doubting it? We must be careful to examine into the grounds of his condemnation by those who lived at the time. The passionate hatred which assailed Scroggs, heaped insults on him, and finally drove him from the bench, had a perfectly well defined origin. He was hated not because he hanged so many, but because he would not hang more; not for believing the testimony of Oates and Bedloe but for disbelieving it. The execration is inherited, but not the point of view.

We must not forget that if Oates never quite regained the position he held before his perjuries were brought home to him; if he ceased to be the saviour of the nation; he lived, as Ralph satirically says, "to see the great cause he had been so deeply engaged in, once more triumphant." After the Revolution, his services to Protestantism were largely rewarded. The Earl of Ailesbury tells how Oates again put on his episcopal habit, minus the lawn sleeves, and the doctor's scarf, the visible sign of the Salamanca degree. The wretch, reeking with perjury, dyed from head to foot in the blood of innocent victims, "had the impudence to go to Lambeth, to archbishop Tillotson, and that prelate was so weak as to admit him to his table;

The next day seven others were executed, "but more favourably by the Queen's commandment, who detested the former cruelty; for they all hung till they were quite dead, before they were cut down and bowelled. (Camden, "History of Queen Elizabeth," 1630, Book III, p. 80.)

and, the king and queen's health going about, he impudently cried 'My lord! I will see first what king William and queen Mary will do for me, before I drink their healths.'"* On August 20, 1689, the House of Commons presented an address to the king asking that he "would be pleased to make some allowance to Mr Oates for his maintenance."† He was granted a pension of £40 a month. This was afterwards stopped, but finally he received £500 to pay his debts, and £300 a year during his and his wife's life.

But if Oates still stands in the pillory of history it would seem that there are some who do not like to see things thrown at him. If he cannot be rescued from the pillory, cannot some of those who helped to put him there be made to stand by his side? For aught that one knows Oates may still be regarded as a champion of Protestantism by the dwellers in some dark, unswept corners of the habitations of bigotry. Those who are not to be suspected of condoning his crimes will do well to see that they do not unthinkingly accept the estimate of Scroggs put forward by the friends of Oates—"the plot-drivers and witnesses," as North calls them, collectively.

Almost up to the trial of Sir George Wakeman on an utterly absurd charge, Scroggs was in effect little better than an instrument of the faction. As the result of five trials he had sent to their doom Coleman; Ireland, Pickering and Grove; Green, Berry and Hill; Whitebread, Harcourt, Fenwick, Gavan and Turner (the Five Jesuits); Langhorn. But since the trials things had come out. After the trial of the five Jesuits, people had been to see the famous room in the White Horse tavern,

* "Memoirs," p. 144. † "Journals," x, 270.

the room in which Oates swore that the Jesuits had held a "consult." They found that it would not, with any convenience hold above a dozen persons.* Something else had happened. In a passage deleted from the revised report of his trial, Langhorn had moved the court that some of the jury might be sent to view his study and chamber in the Temple, offering to put his life upon that issue, if they should find it possible for Bedloe's oath to be true, in swearing that out of the chamber he had seen Langhorn taking duplicates of letters in his study.† Unfortunately, this had not been done, but the passionate asseveration may have dwelt in the mind of the Lord Chief Justice, or it may have been recalled to him by a passage in Langhorn's Memoirs, published, as we may suppose, shortly after his execution. In this Langhorn declared that Bedloe could not possibly have seen that to which he swore; he also averred that never at any time had he had a desk in his study.‡

In one way or another, the facts had come to the knowledge of Scroggs, for he told Bedloe at Monmouth Assizes that he had been credibly informed, since the trial, that one walking in Langhorn's

* Castlemain's "Compendium," pp. 46-47.

† L'Estrange, "Brief Hist." III, p. 109.

‡ "Mr Langhorn's Memoirs," p. 6.

"He had already declared he thought Langhorn, the lawyer, died an innocent man of the fact he was accused of, he having had the curiosity to go to Langhorn's chamber, in the outward room whereof Oates swore he saw the commissions for the Lords lying in Langhorn's study, upon the desk, which was impossible to be true (as every one that knew the chambers say), as he judged upon the sight of the chamber and study." ("Autobiography of Sir John Bramston," Camden Society, p. 181.) There is here some confusion between Oates and Bedloe; the passage is quoted only because it mentions the visit of Scroggs to Langhorn's chambers.

chamber could not see Langhorn write in his study.*

Again, at the trial of Sir George Wakeman, Sir Philip Lloyd had absolutely overthrown the testimony of Oates. Scroggs's eyes had been opened. A judge is but human; he is not out of the reach of the furious passions that sometimes sweep over a country, nor is his judgement infallible. In November, 1867, Mr Justice Blackburn and Mr Justice Mellor sat as a Commission to try Fenian prisoners. In passing sentence of death on five men, Allen, Gould, Shore, Larkin and Maguire, Mr Justice Mellor said that no persons who were present at the trial could doubt the justice of the verdict; he would be deceiving the unhappy men were he to hold out to them any expectation of mercy. But it soon appeared, fortunately before the sentence was carried out, that Maguire was absolutely innocent of the crime of which he had been found guilty with the entire approval of the judge.

Scroggs was not alone on the seat of judgement; all the judges of England sat with him. Not one of them at any time raised his voice against the lead of the Lord Chief Justice. One, indeed, had discovered the villainy of Bedloe. After the trial of Nathaniel Reading, on April 24, 1679, "Wild, an ancient and worthy judge, told Bedloe that he was a perjured man, and ought to come no more into courts. The judge was turned out for his plain freedom."†

* "State Trials," viii, 173,

† Burnet, I, p. 450. Foss ("The Judges of England," vii, p. 194) places the rebuke of Wild between April 16 and 26. But Foss has made a mistake in the day of Reading's trial. The grand jury sat on the 16th, the trial was on the 24th. Judge Wild expressed no disapproval during the trial; none at least is recorded.

The Lord Chief Justice had indeed many faults. "He was a man," says North, "that lay too open; his course of life was scandalous, and his discourse violent and intemperate .... He could not avoid extremities; if he did ill, it was extremely so, and if well, in extreme also." * North has given us his view of the part played by the judges in this dreadful time. It reveals his meaning when he speaks of being extreme in doing well: "The Lord Chief Justice Scroggs took in with the tide, and ranted for the plot, hewing down popery as Scanderbeg hewed the Turk .... The other judges were passive, but meddled little, except some that were takers-in also .... Some may blame the (at best) passive behaviour of the judges, but, really, considering it was impossible to stem such a current, the appearing to do it in vain had been more unprofitable, because it had inflamed the great and small rout, drawn scandal on themselves, and disabled them from taking-in when opportunity should be more favourable." † He repeats the argument in his "Life of the Lord Keeper Guilford." ‡ In these passages the other judges are represented as, like Scroggs at the first, "takers-in," yielding to the clamour of the mob in disregard of their oaths and their consciences. Whatever may be said for the expediency of this course, North represents its adoption as general. Therefore, Scroggs, at his worst, was no worse

Nothing is more likely than that any remark made by Judge Wild in disparagement of Bedloe would be omitted from the report, but he expressed his approval of the verdict ("State Trials," vii, 309). Wild's patent was revoked on April 29. Burnet seems to be the only writer who has referred to this incident.

* "Examen," pp. 567, 568.

† "Examen," p. 206.

‡ Ed. 1826, Vol. I, pp. 326, 327.

than the other judges. Forensic eloquence is a lost art in England. The dull respectability of our courts is hardly enlivened by jests at which the most obsequious counsel must sometimes find it hard to smile. It was otherwise in the seventeenth century. Scroggs, in particular, was a wit and a rhetorician. Dryden's lines:

> Such savoury deities must needs be good,
> As served at once for worship and for food,

pale before Scroggs's epigram, "They eat their God; they kill their king and saint the murderer." His rhetorical skill is shown in such passages as that in the trial of Ireland, Pickering and Grove, ending with, "What shall I think of them? What shall I say to them? What shall I do with them?"

But it was Scroggs's wit, not his brutality, which distinguished him from the rest, from those of them, at least, who were not wholly passive and silent. In this same trial, the recorder, before passing sentence on Pickering, thus addressed him. Pickering was supposed to have been promised thirty thousand Masses for murdering the king. "The Masses can no more save thee from a future damnation, than they do from a present condemnation." He invites the attention of those whom he is sentencing to have their bowels torn out and burnt before their eyes, to the "happy constitution of our laws, and the more happy constitution of our religion."* And in this strain he continues through four columns of small type. Justice Wild, in passing sentence on Green, Berry and Hill, after a string of brutal insults, says, "I do not speak this to insult and domineer over you; I

* "State Trials," VII, 138-140.

praise God I am of another spirit." The disclaimer was needed.

Harder to bear even than insults must have been the nauseating assumptions of those who were complacently doing murder under the forms of law. Lord Stafford was one of "the five popish Lords" committed to the Tower in 1678. Only after two years' imprisonment was he brought to trial—he, alone of the five, selected notoriously on account of his age and feebleness, which it was thought would make of him a more easy victim than either of the others. The Lord High Steward congratulated him on being brought before a tribunal, "the highest and noblest court in this, or perhaps in any other part of the Christian world. Here you may be sure no false weights or measures ever will or can be found; here the balance will be exactly kept, and all the grains of allowance which your case will bear, will certainly be put into the scales." This was the prelude to the evidence of Oates, Prance, Dugdale and Turberville, the last of whom, as it was given in evidence at the trial, had lately sworn a great oath that "there was no trade good but that of a discoverer," and had been retained as an informer at a weekly salary of twenty shillings.

Scroggs differed from his fellow judges (with the exception of Wild) in his courage no less than in his wit. He would not have accepted the base excuses put forward by North. He, at least, was no "taker-in," who would lightly set aside his oath to do justice. Nine days only before the trial of Sir George Wakeman, he had released on bail Pepys and Deane, imprisoned in the Tower as the result of a perfidious plot. This alone would have undone him with the "plot-drivers" and the mob.

Here is the note of a contemporary on this incident: "July 10 (1679). Mr Pepys and Sir Anthony Deane were bailed yesterday, and if my Lord Chief Justice hang five hundred Jesuits, he will not regain the opinion he hath thereby lost with the populace, to court whom he will not act against his conscience."*

But it was the acquittal of Wakeman, on July 18, which let loose on Scroggs the most furious passions. Wakeman deemed it prudent to fly across the sea. The Portuguese ambassador called on Scroggs after the acquittal. It was a natural thing for a countryman of the queen to do, for Wakeman was represented to have undertaken the poisoning of the king in concert with the queen. But it was an ill-considered step. It was immediatly set about that the ambassador had carried a store of gold in his coach. No one made the obvious reflection that, if the price of the acquittal had to be paid, the payment would have been clandestine. But reason was out of place. What was wanted was the conviction of the accused, guilty or innocent. Scroggs had been bribed; the jury had been bribed. The clamour was so great that the Lord Chief Justice deemed it proper to defend himself. On the first day of Michaelmas term, 1679, an obscure man was brought before him for intimating that the acquittal of Wakeman had been purchased. The Lord Chief Justice took the opportunity to defend public justice and his own reputation. His speech is full of dignity, of noble thought, nobly expressed. In not a single sentence is there a false ring.

"If once our courts of justice come to be awed

* "Hatton Correspondence," I, p. 187; see also Luttrell, "Brief Relation," I, pp. 74, 75.

or swayed by vulgar noise, and if judges and juries should manage themselves so as would best comply with the rumour of times, it is falsely said that men are tried for their lives or fortunes: they live by chance, and enjoy what they have as the wind blows, and with the same certainty; the giddy multitude have constancy, who condemn or acquit always before the trial, and without proof." He makes no answer to hireling scribes, but "if there be any sober and good men that are misled by false reports, or by subtlety deceived into any misapprehensions concerning that trial, or myself, I should account it the highest pride and the most scornful thing in the world if I did not endeavour to undeceive them. To such men, therefore, I do solemnly declare, here, on the seat of justice, where I would no more lie or equivocate than I would to God at the holy altar: I followed my conscience according to the best of my understanding in all that trial, without fear, favour or reward; without the gift of one shilling, or the value of it directly or indirectly, and without any promise or expectation whatsoever."

This he said to honest men who knew him not: if any that knew him needed this, they should not have had it, for with them it was an even chance whether he was or was not the greatest villain in the world—one who would sell the life of his king, his religion and country. "He that says, great places have great temptations, has a little if not a false heart himself, for no temptation is big enough for a sin of this magnitude." He still believed in the plot: "He that thinks there is no plot is blind with prejudice, or wilfully shuts his eyes."*

* "State Trials," VII, pp. 702-706.

No one would now be found to contend that, in the two actions which drew on him the hatred of the plot-mongers—the release of Pepys on bail and the conduct of the trial of Wakeman—the Lord Chief Justice was not absolutely right: each was, beyond question, innocent of the charge brought against him.

To the mass of the people the trials interposed a vexatious and needless delay, scarcely to be permitted even when conviction followed. "The common people," says Sir Richard Bulstrode, "would have all papists hanged without more ado, and were much enraged against both jury and judges, and swore they were all turned papists."*

"At his first coming in," says Luttrell, "he behaved himself very well, and was unbiassed in his judgement, condemning several of the popish traitors."† The condemnation of popish traitors was the sign of an unbiassed judgement. The mob clamoured for victims; the politicians needed them in support of their campaign. In the beginning of the December following Scroggs's vindication of himself, the Lord Chief Justice met, at the Lord Mayor's table, Lord Shaftesbury and other lords of his party. There was an altercation between them. In the course of this, Lord Shaftesbury, raising his glass, as we may suppose, said: "The old Lord Chief Justice's health!" The Lord Chief Justice asked, "Did he mean Hale's?" Shaftesbury replied, "No, but his, before Wakeman's trial." Lord Howard asked Scroggs why he did not give as great credit to Oates and Bedloe in Wakeman's trial, as before? Scroggs replied, "Because Sir Philip Lloyd had at the trial inva-

* "Memoirs," p. 298. † I, pp. 74, 75.

lidated the testimony of Oates."* This was perfectly true. At one point in the trial, Sir George Wakeman gave himself up for lost; he was heard to say to his fellow prisoners, "*There is my business done.*" The original report of the trial has it in great black letters. But a turn came. Sir Philip Lloyd, clerk of the Council, gave evidence which completely destroyed Oates's credit. Sir George Wakeman and his fellow-prisoners were acquitted —a fearful blow to the credit of the plot.

Blount, in his "Appeal," bitterly complained that Sir Philip Lloyd had been permitted to give evidence exculpating Wakeman. He did not charge that the evidence was false, only that it had been given. Oates complained to the king of Sir Philip Lloyd, who was thereupon, on October 15, suspended from his office, to be reinstated in December.†

For a long time the Lord Chief Justice withstood the attacks upon him. In January, 1680, he tried a batch of priests, and sentenced six of them to death as guilty of high treason, being priests. In June he tried Mrs Cellier, and a few days later, Lord Castlemain: each accused of high treason, and each acquitted. In the course of these trials he made, as we shall see later, severe remarks on "the king's evidence."

Articles of impeachment against him were voted by the House of Commons in December, 1680, and were carried up to the House of Lords. There was an outburst of fury when the Lords ordered him to find bail: the Commons would fain have had him committed to the Tower. The

* "Hatton Correspondence" (Camden Society), Vol. I, pp. 207-210.

† Luttrell, I, pp. 23, 30.

Lord Chief Justice averred that he was in no way guilty of the crimes laid at his door. He prayed a speedy trial. But Parliament being prorogued soon after, the matter never came to a hearing. His real crime was the acquittal of a man through whom the plotters struck at an innocent woman, a stranger in the land, the Queen of England. Of the ostensible charges against him we cannot form an opinion in the absence of his defence Their gravity is not perhaps to be fairly estimated from the fact that Scroggs—Scroggs!—was charged with endeavouring to introduce popery. During the whole of the term beginning in January, 1681, the Lord Chief Justice did not come into court. He was removed on April 11 in that year.

But let us see what was the conduct of other men and parties in this great episode.

At the outset the word had gone round that, whether true or false, the plot was to be supported. In November, 1678, Burnet called on the Attorney General with respect to Staley's trial then near at hand. We have seen how he was treated by Sir William Jones, the Attorney General.

Sir William Temple had been long abroad. On one point he disagreed with other members of the privy council, Sunderland, Essex and Halifax. He thought it unjust that the law against priests, which had been suffered to slumber, should be revived without warning. "Upon this point Lord Halifax and I had so sharp a debate at Lord Sunderland's lodgings, that he told me if I would not concur in points which were so necessary to the people's satisfaction, he would tell everybody I was a papist; and upon his affirming that the plot must be handled as if it were true,

whether it were so or not, in those points which were so generally believed by city or country, as well as both Houses, I replied with some heat, that the plot was a matter long on foot before I came over into England; that to understand it one must have been here to observe all the motions of it, which not having done, I would have nothing to do with it.*

Of the part in the infamies of the plot agitation played by the two Houses, especially by the House of Commons, it is difficult to write calmly. The Commons took under their protection a swarm of infamous wretches, perfectly well known to be infamous. There could be no greater mistake than to suppose that this action was the result of ignorance of their character. "Discoverers" were sought out, encouraged, quartered on the secret service fund. The attitude of the house will best be shown by taking one instance.

Thomas Dangerfield, or Willoughby, who like Bedloe gave himself the title of captain, was worthy to take his place by the side of Oates and Bedloe. Dangerfield's first public appearance seems to have been in October, 1679, when he was brought before the Privy Council on the complaint of Colonel Mansel. The keeper of Newgate then declared to the Council that he had never had a greater rogue in custody. On October 27, the Council committed him for forging letters importing the treason of others. But, a few days later, we find several persons, among them Lord Castlemain and the Countess of Powis themselves committed to prison on Dangerfield's information. On June 11, 1680, he was brought forward as a witness in the trial of Mrs Cellier

* "Works," 1750, I, p. 339.

for high treason. Mrs Cellier produced in court records proving that Dangerfield had been convicted of theft, burnt in the hand, convicted of putting off gilt shillings as guineas, and pilloried. He had been whipped and outlawed. Dangerfield pleaded the king's pardon, granted to all "discoverers" when they "came in." The pardon did not include all offences, and Dangerfield not being a good witness, Mrs Cellier was acquitted. In the course of the trial the following dialogue took place between Lord Chief Justice Scroggs and Dangerfield.

Lord Chief Justice: Such fellows as you are, sirrah, shall know we are not afraid of you. . . . I will shake all such fellows before I have done with them!

Dangerfield: My lord, this is enough to discourage a man from ever entering into an honest principle.

Lord Chief Justice: What! Do you, with all mischief that hell hath in you, think to brave it in a court of justice? I wonder at your impudence, that you dare look a court of justice in the face after having been made to appear so notorious a villain.

This rough handling did not prevent the crown lawyers from bringing forward Dangerfield twelve days later at the trial of Lord Castlemain. The new Attorney General, Sir Cresswell Levinz, was as little scrupulous as his predecessor, Sir William Jones. Dangerfield being called, Lord Castlemain objected. Dangerfield had been convicted of felony, had broken prison, and had thereupon been outlawed. "Besides this my lord, he is a stigmatic, hath stood in the pillory, was burnt in the hand." The Attorney General did not deny the crimes;

the king's pardon covered them and restored Dangerfield's status. Lord Castlemain was allowed counsel to argue the point of law. A long discussion followed. One of the judges went to consult the judges of the court of Common Pleas. During his absence, the Lord Chief Justice thus delivered himself: "We have men grown so insolent, they behave themselves with that vile insolence, that now they take upon them to speak against whole societies of men, as if so be there were anything in them that should render them better than their former lives or natures. Humility becomes penitents, and no wicked man is supposed to be a penitent that hath not that; but these carry it with that insolency as if they were not concerned themselves, when, God knows, the best of them discover what they do by being but parties themselves."

Finally the Attorney General carried his point; his witness was allowed to testify, although, as Sir Cresswell gracefully admitted, "as to Mr Dangerfield, there are some exceptions which we must confess to be true." In summing up, the Lord Chief Justice said: "You see how many crimes they have produced; six great, enormous crimes; and by them you will see how far you ought to consider his testimony."* The jury, naturally, acquitted Lord Castlemain.

The House of Commons was therefore perfectly well aware of the character of Dangerfield when, on November 2, 1680, it voted an address to the king, asking that he would grant a pardon to Dangerfield, and that he would take him, with others of the same kind, into his royal protection and care. The king replied that he had given an

* "State Trials," VII, 1110.

order to draw up a pardon for all treasons and misprisions of treason. He would consider of an allowance. In fact, Dangerfield had long been receiving from the secret service fund £2 a week. A few days later Dangerfield once more appeared before the House to state that he was advised that his pardon was in some respects defective. The House thereupon applied to the king for a full and general pardon of all treasons, misprisions of treason, felonies and other crimes and misdemeanours. This also the king granted. But, on November 29, Dangerfield again petitioned the House with respect to the pardon. Thereupon the House appointed a committee of twenty members, and all the members that are "of the long robe," to inspect the pardon, as to its validity. That is the last record of this famous pardon. The trial of Lord Stafford was to begin on the morrow. If, as is probable, the pardon was required to enable Dangerfield to appear as a witness in the trial, other counsels prevailed. A new witness, Turberville, was to be produced.

Turberville was a convert of Dr Lloyd, vicar of St Martin's-in-the-fields, "the most zealous man against popery" that Burnet knew. Turberville's character was not yet publicly known, but enough was privately known to upset his testimony. After his conversion, Turberville had for some months been supported by Dr Lloyd, who had pressed him to discover all he knew. But Turberville assured Lloyd that he knew no particulars of the plot. After a while, Dr Lloyd lost sight of Turberville. The next heard of him was that he was giving evidence of the most particular kind against Lord Stafford. Lloyd had but lately been made bishop of St Asaph. He now took counsel with his friends.

To have revealed what he knew about Turberville would have "very much blasted him. In opposition to all this, here was a justice to be done, and a service to truth, towards the saving of a man's life." Lloyd's friends advised him to remain silent; Burnet, after, some qualms, as he avers, concurring. Swift's comment on this is, "damned advice." Lloyd was silent, and Stafford went to the scaffold. He might have gone, even if Lloyd had spoken—but Lloyd was silent.*

Mr Pollock is angry with Mrs Cellier for speaking of the witnesses, "the king's evidence," as "hangman's hounds for weekly pensions." The description seems scientifically exact. The House of Commons was continually pressing for "fitting encouragement to discoverers." Especially, on October 26, 1680, an address to the king was voted, "for the pardon of such persons as shall, within a limited time, make a satisfactory discovery to this House of the horrid Popish Plot." In response to this address, a proclamation was issued on the 30th, offering a pardon to all who would come in and give evidence within a month. What construction can be put upon this, but that it was an advertisement that informers were required for the approaching trial of Lord Stafford? What wonder that needy wretches, like Turberville, came in, sure of protection and wages?

In "Secret Services of Charles II and James II" (Camden Society), we have a record of sums paid to discoverers. The accounts begin only from March, 1679, so that the first five months of plot finance are wanting. Before this date Oates had

* Burnet, Book III, pp. 489, 490; Higgons, "Historical and Critical Remarks," pp. 211-213; Salmon (Nathaniel), "Lives of the English Bishops," p. 151.

applied to the Lords for more liberal grants than he had received, threatening that if they would not help him to more money, he would be forced to help himself.* During the greater part of the time over which the accounts extend, Oates drew £12 a week. There were, in addition, payments to him for "discovery." In all he drew in the time recorded nearly £1,400. In addition, £228 was paid for the lodging in Whitehall of Oates, Bedloe and Tonge. Tonge drew the modest sum of £2 a week, but he had in addition gifts from the royal bounty; in all he drew £344, and, in answer to an address of the House of Commons, he was promised "considerable church preferment." He died before a good living could be found for him, and £50 was paid for his funeral expenses. Bedloe, who, shortly before he turned discoverer, was in prison, living "on the basket," on the alms of the charitable, received from the secret service nearly £800, some of it for witnesses and expenses. In addition he received £500 for discovering the murderers of Godfrey.

Dugdale was perhaps the most "respectable" of the gang. He was dubbed "Esquire," and till he took to swearing away men's lives had committed no worse crime than that of robbing his employers. He received a salary of £5 a week, and drew large sums on account of expenses, etc., the total amount of his drawings being over £1,500. Bolton and Mowbray, who directed the operations of the Yorkshire branch of the plot, were also comparatively respectable. They also had but robbed their employers, the Gascoigne family, against whom they turned. They drew over £900, for which they gave a very inadequate return, as all but one of those whom they accused were acquitted. They

* Pointer's "Chronological History."

may be said to have cheated their new as well as their old employers, as the £900 spent on them procured only the disembowelling of one poor priest.

Enough of details. There were swarms of informers besides—Dangerfield, Turberville, Sergeant, Smith, Faria, Zeale, Bryan Haynes, and quite a legion of Irish informers and witnesses, Edward Murphy and five of his clan, Cornelius M'Guire and six, Peter Lynch and five, Gormley, Coddan, O'Hanlon, Murphy, Macnamara, Bourke. Some of these received as little as 10s. a week, but this was really munificent pay, as one of them averred that he could procure any number to forswear themselves for 2s. 6d. a piece. Of these bandits the Duke of Ormond wrote, "They find it more honourable and safe to be the king's evidence than a cow-stealer, though that be their natural profession."* And no doubt the modest stipend paid from the secret service was supplemented by Shaftesbury and his friends, as the witnesses, who went from Ireland poor and half naked, returned well clad and flush of money.

Such were the tools, such was the pay of the wretches who answered the advertisements for "discoverers."

North declares that very few of "the guilty peers," as those were called who pronounced Lord Stafford guilty, "would own that they believed the witnesses who swore the treason against him"; they professed to believe that they were not free in the case, but were bound to judge according to the proof of facts; and here the witnesses swore the acts.† The excuse could hardly have imposed on any one who did not wish to deceive himself.

* In Carte, V, p. 164.

† "Life of the Lord Keeper Guilford," ed. 1826, Vol. I, pp. 326, 327.

It is customary to regard the trial of Lord Stafford, in December, 1680, as marking the close of the story of the Popish Plot trials, except as to the retributive punishment of Oates, Dangerfield and Prance. But the line thus drawn excludes consideration of what is, in some respects, the worst of the series of judicial murders—the trial and execution of Dr Oliver Plunket, the learned and saintly Catholic archbishop of Armagh, primate of all Ireland. These events, belong, however, essentially to the story of the Popish Plot. Some account must be given of this case; we shall find that the methods of the plot-mongers were precisely the same in this last case, as those employed against Samuel Atkins.

"It was," says Carte, "a terrible slur upon the credit of the Popish Plot in England, that after it had made such a horrible noise, and frighted people out of their senses in a nation where there was scarce one papist to a hundred Protestants, there should not, above a year together, appear so much as one witness from Ireland (a country otherwise fruitful enough in producing them) to give information of any conspiracy of a like nature in that kingdom, where there were fifteen papists to one Protestant, as that charged upon the papists of England, whose weakness would naturally make them apply for assistance from their more powerful brethren in Ireland." * "This peace and quiet in Ireland was a great disappointment to Lord Shaftesbury and his party, whose designs could not be advantaged by anything so much as by an insurrection there."† Accordingly, on Nov. 28, 1679, orders were given in Council for issuing

* Carte, "Life of James, Duke of Ormond," ed. 1851, vol. IV, p. 583. † Carte, IV, p. 580.

a proclamation in Ireland, encouraging the further discovery of the horrid popish plot.

Ireland was at the time infested with bandits called tories, who, from their retreats in the mountains and bogs, issued forth to plunder and murder. Some of these wretches, attracted by the assurance of pardon, and the expectation of reward, came in upon the proclamation. As they came in, they were sent to London, where Lord Shaftesbury "bragged openly that he had great discoveries of an Irish plot in readiness to produce."* The bishop of Meath, formerly scoutmaster to Oliver Cromwell, was active in procuring witnesses. He was in correspondence with Lord Shaftesbury, by means of Colonel Mansel, and William Hetherington, the latter "that nobleman's chief agent, manager and instructor of the Irish witnesses."† Carte remarks that there is something odd enough in sending the witnesses to England there to be tutored to witness as to a plot in Ireland of which they knew nothing till instructed by Hetherington. Carte does not mention a fact probably in close relation to these doings,—that, as reported by Luttrell, under date, April 16, 1680, "Mr Bedloe is lately gone into Ireland."‡ That he was employed in the business is made probable by the fact of his journey at this time, so soon after the following statement found in a letter written on March 3, 1680, by the Earl of Anglesey to the Lord Lieutenant:—"It is His Majesty's absolute and unalterable pleasure (advised by all the Council) to have every individual of the popish clergy seized and imprisoned till they petition to be sent over seas, and promise never to return or

* Carte, IV, p. 588. † Carte, IV, p. 589.
‡ "Brief Relation," I, p. 40.

practise against the state; for there is no other way to cure their madness, and there are those in England who will apprehend them all."*

It was determined to proceed against Dr Plunket, as the head of the Irish Catholics. The Catholic primate lived in apostolic simplicity. While the revenue of the Protestant archbishop of Armagh amounted to £5,000 a year, that of Dr Plunket was but £62 in good years; in bad, it fell to £5 10 0. He lived in "a little thatched house, wherein was only a little room for a library, not seven feet high"; he lived on oaten bread, salt-butter and milk. When brought to trial in Dundalk, his accusers failed to appear, and the order came that he was to be tried in London. He was sent over and kept in close confinement for six months. One grand jury threw out the bill against him; a second was more compliant, or yielded conviction to witnesses better tutored. On May 3, 1681, Dr Plunket was arraigned before the court of king's bench. The court set aside his plea that he could not legally be indicted twice on the same charge. He was granted five weeks to bring witnesses and documents. His messengers were delayed by bad weather; once they had been forced to put back into Holyhead, then the winds were so contrary that a fortnight was lost in the voyage. The Irish courts refused records of the convictions of those who were to witness against Dr Plunket, unless upon an order of the Council. In spite of all delays, Dr Plunket's witnesses were now upon the road; they had reached Coventry. But on June 8, when Dr Plunket was again placed at the bar of the court, his plea for further delay was rejected. The judges had forgotten the maxim quoted at

* "Memoirs of Dr Plunket," by Dr Moran, 1861, p. 280.

the trial of Lord Stafford six months earlier, "de morte hominis non est cunctatio longa."* The story told by the witnesses was wild in its absurdity. Dr Plunket had surveyed the Irish ports, fixing upon Carlingford for the landing of French troops; he had seventy thousand men ready to join the invaders. Absurd as it was, the story was sufficient for its purpose. The Lord Chief Justice Pemberton summed up the evidence in a way which would have disgraced Scroggs at his worst. "The bottom of your treason was your setting up your false religion .... a religion that is ten times worse than all the heathenish superstitions; the most dishonourable and derogatory to God and His glory of all religions or pretended religions whatsoever."

Dr Plunket had already refused to save his life by accusing others. He was executed on July 1. Even at the time it was believed that an innocent man had been condemned. "Plunket is generally pitied and believed to die very innocent of what he was condemned."† But the general belief had not availed to save him from the fury of the crown lawyers and the judge.

Charles has not escaped censure for permitting the execution of so many innocent persons. "The king," says Fox, "who is supposed to have disbelieved the whole story of the plot, never once exercised his glorious prerogative of mercy." It is beyond doubt that Charles did disbelieve the story of the plot from the very commencement. At the outset he had detected Oates in lies which disposed of his whole testimony. He was convinced that Bedloe had been tutored between his first and second examinations.‡ Prance had thrown himself

* "State Trials," vii, 1372.
† "Hatton Correspondence," Vol. II, p. 2.
‡ Burnet, I, p. 432.

at his feet, retracting all he had sworn under fear of the gallows. But Charles was powerless. To the Parliament which met a few days after the discovery of Godfrey's body, he announced his determination, the only determination possible in the circumstances, "I will leave the matter to the law." If he had exercised his prerogative of mercy, it is probable that the whole framework of settled government would have gone to pieces. He would have acted in the face of the courts of justice—of all the judges of England and of juries—of the two Houses of Parliament, of his ministers, of the Church, of presbyterian nonconformity, of the overwhelming majority of the people. *

Charles would fain have saved Pickering. We do not know why Pickering was respited when Grove and Ireland, with whom he was tried, were executed on January 24, 1679. Respited he was, and on April 27, the Commons voted an address praying for his execution. Charles's reply was full of dignity and good feeling. "Gentlemen, I have always been tender in matters of blood, which my subjects have no reason to take exceptions at; but this is a matter of great weight, I shall therefore consider of it and return you an answer." Lord Russell was the bearer of the final answer. On May 5, † Charles told the House that he would comply with the request, and Pickering was executed on the 9th.

* We are at this time in such disorders, and the people so continually alarmed either with secret murders or some outrages and violences that are this day on foot, that though the king, who is full of mercy almost to a fault, yet if he should be inclined that way, I verily believe both Houses would interpose between that and you. (The Lord Chief Justice, in passing sentence on Coleman. "State Trials," vol. vii, pp. 74-75.)

† The date is wrongly given as May 25 in the "State Trials."

Two other stories are told by Eachard, illustrating the king's unwillingness to shed blood. One, lightly glanced at by Burnet, has been held torefer to him—it can hardly refer to any one else.

Soon after the official adoption by Parliament of Oates's fictions, twenty eminent citizens gave a great supper to Tonge and Oates. To this was also invited a third noted divine, one "who had often been favoured with the king's private conversation." At this supper Oates and Tonge fell out, Tonge being jealous of the especial honour shown to the Salamanca doctor. The quarrel came to high words, and Tonge told Oates plainly that he, Oates, knew nothing of the plot but what he had learnt from him, Tonge. One of the company told the story to Charles, who sent for the divine to question him about the incident. Charles could get nothing from him: his memory was bad. Charles pressed him: at last, incensed, he spoke to the divine to this effect: "I find there is like to be a great deal of bloodshed about this plot, and the times are so troublesome and dangerous to me, that I durst not venture to pardon any that is condemned. Therefore, their blood be upon your head and not upon mine. And I desire to see you no more."*

The other relates to the case of Dr Plunket. After his condemnation, the Earl of Essex told the king that the things sworn against Plunket could not possibly be true. "Upon which, the king, in a passion, said, 'Why did you not attest this at his trial? It would have done him good then: I durst pardon nobody.' And so concluded with the same kind of answer he had given to

* Eachard, "Hist." pp. 949-950: Burnet, I, p. 510: Higgons Remarks on Burnet's "History of His Own Times," pp. 231-233.

other persons formerly, 'His blood be upon your head, and not upon mine.'"*

Dr Plunket was the sixteenth victim of the fraud and delusion known as the Popish plot: the sixteenth who perished on the scaffold directly in connection with charges arising out of the plot. Of all these victims, one alone, Coleman, can be supposed to have been engaged in any kind of plot, and that, whatever it was, cannot, on the widest and loosest assumption, be brought into connection with the plot imagined by Oates and Tonge. One has read a lament that these victims, though innocent, were uninteresting. If we find them so, the fault is surely in ourselves. The victim of a mere judicial error ought to have interest for all—an interest which should deepen when the victim has suffered judicial murder. Not one of these victims, from the humble cushion-man to the peer of the realm: from the gate-porter to the learned divine, but could have saved his life and received large reward, if he would but have adopted a narrative prepared by one of Shaftesbury's ready writers, and sworn away the lives of his fellow men. One and all resisted the temptation, and went to their doom pardoning their false accusers. All but one were Catholics, but we cannot concede to Catholics alone the right to hold in veneration the memory of these men. The constancy and fortitude with which they suffered did something to open men's eyes, and to bring to an end a series of horrible crimes. They died in the cause of truth and justice, a cause eternal, above all dogmas, all religions. They belong not to a community but to humanity.

* Eachard. "Hist." p. 1010.

TRIALS ARISING OUT OF THE POPISH PLOT

1678.			
Nov. 27	Edward Coleman	High Treason	Drawn, hanged and quartered
Dec. 17	William Ireland	High Treason	Drawn, hanged and quartered
	Thos. Pickering		
	John Grove		
	Thomas Whitebread		Withdr'wn after evidence heard, and re-tried
	John Fenwick		
1679.			
Feb. 10	Robert Green	Murder of Sir E. B. Godfrey	Hanged
	Henry Berry		
	Lawrence Hill		
Feb. 11	Samuel Atkins	Accessary to murder of Godfrey	Acquitted
Apr. 24	Nathaniel Reading	Attempting to suppress evidence	Fined, imprisoned, pilloried
June 13	Thomas Whitebread	2nd trial — High treason	Drawn, hanged and quartered
	John Fenwick		
	Wm. Harcourt		
	John Gavan		
	Anthony Turner (the "Five Jesuits")		
	James Corker		Trial deferred
June 14	Richard Langhorn	High Treason	Drawn, hanged and quartered
July 18	Sir Geo. Wakeman	High Treason	All acquitted. Marshall and Corker afterwards tried under Act 27 Eliz. for high treason, "as being Romish priests"
	Wm. Marshall		
	Wm. Rumley		
	James Corker		
Nov. 25	Thos. Knox	Defaming Oates and Bedloe	Fined, impris'ned
	John Lane		Fined, impris'ned pilloried

TRIALS ARISING OUT OF THE POPISH PLOT

1680. Jan. 17	Lionel Anderson	High treason "as being Romish priests"	Pardoned
	Wm. Russell		Reprieved and sent abroad
	Charles Parry		(?)
	Henry Starkey		Reprieved
	James Corker	2nd trial	Reprieved, released by James II
	Wm. Marshall		Reprieved
	All found guilty and sentenced accordingly.		
	With them were arraigned on the same charge:		
	David Joseph Kemish		Withdr'n, being ill
	Alex. Lumsden		Found guilty; judgement reserved on a point of law
1680. Feb. 3	John Tasborough & Anne Price	subornation of perjury	Fined
Feb. 5	Benjamin Harris	publishing "An Appeal from the Country to the City"	Fined, pilloried, ordered to find sureties
Feb. 7	Francis Smith (called "Elephant Smith")	publishing "Some Observations" on the trial of Wakeman	Fined
Feb. 7	Jane Curtis	publishing "Scroggs upon Scroggs"	
Feb. 11	Sir Thos. Gascoigne	High Treason	acquitted
June 11	Mrs Cellier	High Treason	acquitted
June 23	Lord Castlemain	High Treason	acquitted

TRIALS ARISING OUT OF THE POPISH PLOT

July 2	Henry Carr (or Care)	publishing "The Weekly Pacquet" reflecting on Scroggs	
July 14	John Giles	attempting to murder J. Arnold on April 15	Fined, imprisoned, pilloried
Aug. 2	Lady Tempest and Charles Inglesby	High Treason	acquitted
Aug. 2	Thos Thwing	High Treason	Drawn, hanged & quartered
	Mary Pressicks		acquitted
Sep, 11	Mrs Cellier	Libel	Fined, pilloried
Nov. 30 to Dec. 7	Lord Stafford one of "The Five Popish Lords"	High Treason	beheaded
1681.			
June 8	Dr Oliver Plunket	High Treason	Drawn, hanged & quartered
July 18	Sir Miles Stapleton	High Treason	acquitted
1682.			
June 20	Nat. Thompson	Libelling the justice of the nation	fined, pilloried
	William Pain		fined
	John Farwell		fined, pilloried
1684.			
May	Titus Oates	Action by D. of York for "Scandalum Magnatum"	Damages £100,000
1685.			
May 8, 9	Titus Oates	two trials for perjury	fin'd, imprison'd, pilloried, whipped
June 29	Thos. Dangerfield	Perjury	fin'd, imprison'd, pilloried, whipped
1686.			
June 15	Miles Prance	Perjury	fined, pilloried

From the foregoing list are excluded William Staley, condemned for high treason and executed November 26, 1678, and Edward Fitzharris, also condemned for high treason and executed July 1, 1681. These two cases do not properly belong to the Popish Plot.

Thus there were sixteen persons executed directly in connexion with the Popish Plot: three for the murder of Godfrey, thirteen for high treason. Except, possibly, in the case of Coleman, it is now universally admitted that of these sixteen persons, convicted on the testimony of hired and perjured informers, not one was guilty of the crime for which he suffered.

In addition to these sixteen, the following were convicted of high treason under the Act, 27 Elizabeth, c. 2, as being Romish priests.*

The dates are those of their execution—drawing, hanging and quartering.

William Plessington . . .	July 19, 1679
Philip Evans	July 22, 1679
John Lloyd	July 22, 1679
Nicholas Postgate	Aug. 7, 1679
Charles Mahony	Aug. 12, 1679
John Wall (Francis Johnson)	Aug. 22, 1679
John Kemble	Aug. 22, 1679
Charles Baker (David Lewis)	Aug. 27, 1679

Dr Challoner says, "There were many other priests who, in the heat of this persecution, especially during the years 1679 and 1680, were arraigned and condemned, merely for their priestly

* Dr R. Challoner, "Memoirs of Missionary Priests."

character." He gives the names he was able to recover:—

Placidus Adelham (or Adland)	died in prison.
Andrew Bromwich	reprieved.
William Atkins	died in prison.
William Lloyd	died in prison. before the day fixed for the execution.
Richard Birket	died in prison.
Richard Fletcher (or Barton)	survived the persecution.
John Penketh	survived the persecution.
George Busby	pardoned.
James Baker (or Hesketh) .	condemned.
Richard Lacey	died in prison.
Edward Turner	died in prison.
William Allison	died in prison.
Bennet Constable	died in prison.
William Bennett	survived, was again condemned after the Revolution and died in prison.

(The names of Lionel Anderson and five other priests condemned with him are mentioned above in the list of trials.)

To Dr Challoner's list we can add a few names from the minute chronicler, Narcissus Luttrell. In particular, he mentions an unrecorded trial in which Oates and Dangerfield appeared as witnesses: "1681. February 8, was tried at the King's bench bar, one John Atwood, for being a popish priest, and was found guilty on the testimony of

Dr Oates and Mr Dangerfield, and judgement of death was passed on him on the 10th" (*Brief Relation*, vol. I, p. 67). Atwood was reprieved.*

"1681. May. Nicholas, a Romish priest, condemned and remaining in Newgate, reprieved" (Vol. I, p. 87).

"1681. May 20. Eleven persons were condemned to die, and Dickenson, the popish priest, pleaded His Majesty's pardon" (Vol. I, p. 88).

"1681. End of December. There is an order from the King and council for the transportation of several condemned popish priests in Newgate" (Vol. I, p. 153).

In Dr Challoner's lists are included a few names of the many who died in prison while awaiting trial. Among these was Lord Petre, one of the "Five Popish Lords," Fathers Mico, Bedingfield, Levison (or Lewson).

"As to the rest," says Dr Challoner, "we have not been able to give an account in these memoirs of all the sufferings of Catholics . . . . nor so much as to set down the names either of the priests or laymen and women that have endured imprisonment, banishment, loss of goods and innumerable other vexations for their conscience: the number of such sufferers has been so great that it would be an impossible task to record so much as their names."

* Dr Challoner mentions this case briefly.

Chapter V—The Fear of Popery

HOW was it that these things were possible in England in the last years of the seventeenth century? The England of that day was, in all essentials, as highly civilized as the England of to-day. The memory of Shakespeare, Bacon, Milton, was fresh. The age of the Popish Plot was the age of Newton, Halley, Locke, Hobbes, Dryden, Wren, names which will for ever adorn the annals of England. How came it that the era of these great men was defaced, not by a temporary outburst, followed by a quick revulsion, but by years of savage persecution, during which justice was trodden under foot and made to cover premeditated murder under the forms of law? The answer is not far to seek. If the people of England were to-day persuaded that there was in their midst a community of men bound by no law, human or divine, who regarded murder as not only permissible but laudable, whose oath was as little to be trusted as their word; if we were persuaded that men holding such detestable doctrines, doctrines which they were ready to put into practice, were plotting our destruction, we might once more witness a setting aside of justice in a frenzy of terror and madness. Hallam has warned us that "we are far from being secure from similar public delusions whenever such a concurrence of coincidences and seeming probabilities shall again arise as misled nearly the whole people of England in the Popish Plot."* Politicians

* "Constitutional History," seventh ed., Vol. II, p. 420.

had for many years been playing on the credulity and fears of the people. "By this device," says a writer (the creation of the belief that if the popish cause wanted assistance, France was to carry it on by force of arms), "gross as it was, they kept the people for some years in constant fear; and there was scarce greater uproar when Hannibal was at the gates of Rome. And, indeed, they had for a long time made themselves so familiar with these monstrous fictions, that upon the first discovery of Oates's plot, they readily believed everything he said, for they had long expected whatever he declared."*

The common belief was that the Catholics formed a community such as we have imagined. In many a passage of the rhetoric of which he was a master, the Lord Chief Justice Scroggs denounced the damnable doctrines attributed to the Catholics. When it was given in evidence that money was found on the body of Godfrey, "Ay," said the Lord Chief Justice, "for they count theft sin, but not murder." The English people had been brought to look upon Catholics as vermin, as beasts of prey to be hunted, trapped, exterminated.† All means to this end were lawful. Perjured testimony was eagerly sought and richly paid. "I do not think," says Sir James Fitzjames Stephens, "I do not think much censure attaches to the counsel for the crown for their conduct in these trials." There is no evidence in the writer's study of the series of trials that he had travelled outside the reports of the trials. But even here there is more than

* Bishop Parker's "History of His Own Times," p. 248.

† "Who did not consider Catholics as fellow creatures; a feeling very common in those times" (Fox, in a letter to Sergeant Hayward. Quoted in notes to "State Trials," VIII, p. 767).

abundance of evidence to make the position untenable. Never can it have been thought just to procure a conviction on the testimony of the scum of the jails. In the trial of Lord Russell we find an indirect condemnation of such methods. "Gentlemen," said Sir George Jefferies, in addressing the jury, "I must tell you, we rake no jails, nor bring any profligate persons—persons that wanted faith or credit before this time."* But it was precisely on such testimony, known to be such, that sixteen innocent persons had been condemned. It is hardly a metaphor to say that not the jails only but hell itself had been raked to find scoundrels fit for the work.

The immediate causes which led to the outbreak are well summed up by Ralph: "The rigours exercised in Scotland; the arbitrary spirit which had shown itself from time to time in England, through the whole course of this reign; the subserviency of our court to that of France; the reluctance we had shown to enter into the war; the fondness to continue the army, without any visible design to employ it; the indulgence and favour which had been uniformly extended to papists; and, above all, the care which had been taken to aggravate all these several causes of discontent, had disposed and prepared the minds of the people to think as ill of the court as their worst enemies could desire, when the Popish Plot broke out, a transaction which had its roots in hell, and its branches in the clouds; and which, at the same time that it excites so much curiosity, remains to this hour almost inexplicable."†

Eighteen years of misgovernment had brought the people to a point at which an outbreak of some

* "State Trials," IX, p. 632. † "History," I, p. 382.

kind became inevitable. The cession of Dunkirk, however justifiable, was, in the circumstances, a sign of weakened power. The sound of Dutch guns had been heard in the Thames. "There were two things," says Bishop Parker, "which, like Circe's cups, bewitched men and turned them into brutes, viz, popery and French interest, and, if either of these happened to be whispered in the House of Commons, they quitted their calm and moderate proceedings, and ran immediately into clamour and high debates."*

Charles was suspected to be at heart a papist; the Duke of York was known to be one. When, in 1673, he had been by proxy betrothed to the Duchess of Modena, Parliament petitioned the king to annul the contract. Parliament was prorogued for a few days, but, on reassembling, the petition was renewed. Supply was refused till the papists on the Privy Council were removed. But long before this the subject of the succession had exercised men's minds.

Charles had

> wide as his command,
> Scattered his Maker's image through the land,

but the queen had brought him no child. Various were the expedients proposed to enable Charles to provide a legitimate successor to the throne to the exclusion of James. The reign of Henry VIII furnished a precedent—many precedents—of divorce. The ecclesiastics, Burnet perhaps at their head, might with some industry find divine sanctions for polygamy. To polygamy—in an irregular form—Charles cannot be suspected of entertaining

* "History of His Own Times," p. 244.

a strong objection, but there were limits to the wrong he would inflict on a much injured woman. Nor would he assent to the Duke of Buckingham's proposal to kidnap the queen and imprison her in some plantation. Could she perhaps be induced to enter a convent? If so, there would be no difficulty in getting the Parliament to treat the marriage as void. To this expedient alone would Charles listen. But it needed the assent of the royal lady, and she was not in the mind to become a nun. Charles's wrath flamed out when Oates was put forward to accuse the queen of a design to poison him. The fact that Oates dared to bring the charge shows how powerful was the political support at his back.

All possible solutions being exhausted, there remained nothing but the express exclusion of James. Charles would not hearken to any proposals for setting aside his brother. He was ready, in appearance, at least, to agree to any restraints upon a Catholic successor, but never would he listen to proposals for setting aside James in favour of his own illegitimate son, the Duke of Monmouth. A story was industriously set about, which it was hoped that Charles might countenance, that he had been secretly married to Monmouth's mother. The proof was contained in a certain black box which became famous, so that once when Dangerfield, sent from court to fetch his pardon, came back bringing a black box, a titter ran through the court, "Here comes the black box!" The legend of the secret marriage and black box died hard. Blount in his "Appeal" threw away all pretence; he openly put forward the Duke of Monmouth as heir to the throne. "Remember," he wrote, "the old rule is, He who hath the worst title,

ever makes the best king, as being constrained by a gracious government to supply what he wants in title; that instead of 'God and my Right,' his motto may be 'God and my People.'" On this issue a desperate struggle was waged between Charles and Parliament. In appearance, at least, Charles was willing to yield to everything short of exclusion. He would consent to any measures to bind a Catholic successor, but he would not listen to Exclusion Bills.

In the circumstances James might perhaps have been reasonably expected to postpone the salvation of his soul to the welfare of the kingdom. Henry IV thought that Paris was worth a mass; James might, in like manner, have deemed that the crown of England was worth a "sacrament of the Lord's Supper, according to the usage of the Church of England." He might well have submitted to a test imposed on constables, gamekeepers, tithingmen, keepers of warrens, foresters.* It would have been a graceful concession to yield or to appear to yield his assent to the arguments of the bishops deputed to effect his re-conversion. He might have frequented the king's chapel; there was a precedent for bowing down in the house of Rimmon. He might have reflected that religious truth is, like climate, the result of geographical position, and that in England, which had thrown

*Although it was held that a Catholic was not to be trusted on his oath; that he did not regard an oath as binding, yet there was, simultaneously, a strong desire to administer oaths to him. One who refused to take certain oaths, was, in consequence of his refusal, regarded as a danger to the state; but if he could be prevailed upon to take oaths which, on the hypothesis, had no binding force on him, he became comparatively harmless. The theory lying at the base of this belief has not yet been investigated, still less named. It might, provisionally, be called "the sacramental paradox."

off spiritual tyranny, there was "no living for a papist." James was no doubt sincere; he had everything to lose and nothing to gain by his conversion to Catholicism, but the sincerity was mistaken. His zeal was that of a convert; his ideas of government were too much those of an admiral seeking to apply the discipline of the quarter-deck to the management of a state.

Those to whom politics is merely a game of skill, may find much to interest them in the latter part of the reign of Charles II. There are few examples of statecraft equal to that displayed by him in his contest with his Parliament, directed by its evil genius Shaftesbury. At a time when Charles's fortunes where at their lowest ebb, verses went about, expressing his abandonment:—

> Thus have I seen a king at chess,
> His rooks and knights withdrawn,
> His queen and bishops in distress,
> Shifting about, grown less and less,
> With here and there a pawn.

The story of Charles's final struggle with the Parliament is full of dramatic interest. The king had chosen the ground for the contest; the Parliament was to meet at Oxford. All men knew that the struggle would be hard. The great Lords rode to Oxford with bands of armed retainers; some of the Commons had their guards; Colledge, the Protestant joiner, the inventor of "the Protestant flail," distributed ribbons bearing the legend, "No Popery, No Slavery!" Parliament met on March 21. The Bill for excluding the Duke of York was, as all men knew, to be the great business of the session. In his speech from the throne, Charles said:—"What I have formerly and so often de-

clared touching the succession, I cannot depart from. But to remove all reasonable fears that may arise from the possibility of a popish successor's coming to the crown, if means can be found that in such a case the administration of the government may remain in Protestants' hands, I shall be ready to hearken to any such expedient, by which the religion might be preserved and the monarchy not destroyed."

On the 26th came on the great business. It was preceded by the circulation of a "Paper of Expedients." This proposed that James should be banished during his life five hundred miles from the kingdom and its territories; the whole government, civil and ecclesiastical, to be vested in a regent, the princess of Orange. If the Duke of York came into any of the kingdoms, he was to be deemed guilty of high treason. All considerable papists to be banished by name; their children to be educated as Protestants. All fraudulent conveyances made by papists to be void.

If the paper was circulated with the connivance of Charles, this can have been no more than a device to put his opponents in the wrong. In any case, the expedients were rejected; the Exclusion Bill was read a first time on March 28, and was set down for second reading on the morrow. The House passed to other business, in which it was interrupted by the summons of black rod to the Upper House. Then the king pronounced the dissolution of his fifth Parliament. No Parliament met again in England for four years.

Few scenes in our history are more dramatic than this sudden and unexpected dissolution which disconcerted all Shaftesbury's plans. By this daring move Charles drove his enemies to

choose between submission and open, armed rebellion. The flight of Shaftesbury and the Rye House Plot mark Charles's victory in a long and bitter contest the prize in which was the head of a king.

Chapter VI—The Abbey Lands

WE have traced the insane fear and hatred of Catholics, expressed in the horrors of the plot agitation, to belief in the anti-human character of professors of the Catholic religion. This belief sealed men's eyes to all claims of justice; made them deaf to the voice of mercy. The Catholic was a monster to be suppressed by any and every means. That this was the prevailing opinion is established by the action of successive administrations; of the second, third, fourth and fifth Parliaments of Charles II; by the actions and speeches of the law officers of the crown; the summings up of judges; the verdicts of juries; the satisfaction of the public with those verdicts; still more by the outbreaks of fury which followed on the acquittal of accused persons. All in effect concurred in the declaration of the Lord Chief Justice Scroggs that there was no living for a papist in England. In a speech made in the House of Commons in 1680, by whom is not known, occurs this passage: "I would not have so much as a popish man, nor a popish woman to remain here; nor so much as a popish dog or a popish bitch; no, not so much as a popish cat that should pur or mew about the king."* In "A Short and Easy Method for the Extirpation of Popery in the space of a few years, by a Person of Quality," a tract published in 1690, the writer says that he sees only one possibility of quieting the nation, "and that

* "State Tracts," Vol. II, p. 82.

is, once for all to clear it of these monsters, and force them to transplant themselves." It would be easy; they were not numerous, and were hated by the rest of the nation. One consideration only gave pause to the writer; how to deal with their property. "The only objections are, that it would impoverish England to suffer them to carry away their estates, and look too like popish cruelty to turn them out despoiled."* An even better, because more authoritative, instance is found in a casual remark of Burnet. "Now," he says, "that we are upon the utter extirpation of popery . . . ."† This sentence, falling unawares from his pen, reveals the working, too often disguised, of the mind of this astute ecclesiastic. He wrote this in September, 1680, when the series of judicial murders was all but completed; only the heads of Thwing, Stafford and Plunket had yet to fall. Not a word of either approval or condemnation; calmly he acquiesces in the determination—"Now that we are on the utter extirpation of popery," and passes on to tell us, a few pages further on, that "The genius of the English leads them to hate cruelty and tyranny."

This passion of fear and hatred was manifested not against the professors of a new religion, in which case it would be less difficult to understand, but against those whose crime it was that they adhered to the religion of their forefathers. Protestantism may be said to have been finally established by the accession of Elizabeth in 1558. This is separated from the date of the Popish Plot by no more than a hundred and twenty years. In so short a time the great bulk of the nation had been

* "Somer's Coll.," Vol. IX, pp. 463-468.
† "History of the Reformation," Preface to Part II.

brought to regard the religion of their not remote ancestors as a thing so abominable that its present professors were unfit to dwell in the land, and deserved no better fate than the gallows. This is a most singular phenomenon, especially if we consider the stages by which the final result was reached. President Hénault, commenting in his "Abrégé Chronologique" on the death of Elizabeth writes: "Depuis Henri VIII jusqu'à Elizabeth, les Anglais changèrent quatre fois de religion. Comprend-on que ce soit une nation libre qui change d'avis tant de fois? Que ferait de mieux un gouvernement despotique?"

These extraordinary changes and the hatred of the old faith have the same origin: a land question is largely at the bottom of all.

The Act 27 Henry VIII, c. 28 (1535-6) charged "manifest sin, vicious, carnal and abominable living" on the "little and small abbeys, priories and other religious houses," while it bore express testimony to the fact that in the "great and solemn monasteries of this realm, religion, thanks be to God, is right well kept and observed." Below a revenue of £200 a year all was sin, manifest sin, carnal and abominable living; above £200 a year religion was right well kept and observed. On this pretext the small monasteries were made over to the king. Not without a struggle, it appears. Spelman tells how "when the Bill had stuck long in the Lower House, and could get no passage, Henry commanded the Commons to attend him in the forenoon in his gallery, where he let them wait till late in the afternoon, and, coming out of his chamber, walking a turn or two amongst them, and looking angrily on them, first on one side, then on the other; at last, 'I hear,' saith he, 'that my Bill

will not pass; but I will have it pass, or I will have some of your heads;' and, without other rhetoric or persuasion, returned to his chamber."* Four years later came a second Act, 31 Henry VIII, c. 13 (1539), for the seizure of the great and solemn monasteries. We hear no more of thanks to God that in them religion was right well kept and observed. But it appeared that divers and sundry abbots, priors, abbesses, prioresses and other ecclesiastical governors of monasteries, had made grants of their houses to the king "of their own free and voluntary minds, goodwills and assent," and, strangely enough, "without constraint, coaction, or compulsion of any person or manner of persons."

The possessions of the monasteries were, in effect, national property, held in trust for public uses; if, contrary to the express asseveration of Henry, that trust was abused, the resumption of the property by the State, for national purposes, would have been justifiable and even laudable. Given the premisses, such a resumption, well carried out, would have deserved the name of reformation—a forming anew, in a better way than the old. The conversion of the property to better uses is, indeed, the reason alleged in the preamble to the first of these two Acts. "It is and shall be much more to the pleasure of almighty God, and for the honour of this His realm, that the possessions of such small religious houses, now being spent, spoiled and wasted for the increase and maintenance of sin, should be used and converted to better uses." But what were these better uses? The abbey lands were parcelled out among hungry courtiers, whose rapacity knew no bounds. Rents

* "History and Fate of Sacrilege," ed. 1888, p. 99.

were quadrupled, to the destruction of the yeomanry. Magnificent fanes, the pride of Christendom, were razed to the ground for the sake of the timber and lead of their roofs, the stone of their walls, the glass in their windows, the bells in their belfries. Priceless treasures of art were dispersed or destroyed; monastic libraries, the product of generations of toil, were sold for a few shillings, and manuscripts of inestimable value were applied to the basest uses.* The traveller was robbed of the guest-house; the sick were turned out of the hospital; the scholar was deprived of his school, the youth of his college.

Under Edward VI the nobles came to realize that "the wealth and dignities of the former prelates made them such hinderers of the gospel, and obstructors of the word of God, and that the prebends might be far better bestowed upon other, secular, men, and politic uses." The process went even further. In 1547 the king, "having the guilds or fraternities, chantries, colleges, hospitals, etc., given him the last year, hastened to sell them to make up the defects of his treasury."† All this plunder failing to relieve the depleted treasury, the coinage was still further debased, till Latimer was unable to see "the fineness of the silver," and mistook a new shilling for an old groat.

From this time, as Latimer complains in his sixth sermon, dates the ousting from the colleges of poor scholars, in favour of the sons of "great men and squires," who went to them "that they may have a show of learning." The appropriation

* Spelman, "History and Fate of Sacrilege," ed. 1888, pp. 112, 113.

† Strype, "Eccl. Mem.," ed. Oxford, 1822, Vol. II, Part i, pp. 138, 212.

by a class of these national institutions, a lamentable feature peculiar to English society, is an outcome of the Reformation.

The land-hunger grew by what it fed on. The waste lands of the abbeys were everywhere enclosed: the enclosers pulled down houses, and even destroyed whole towns, so that there might be more land for grazing, and less charge for poor tenants; for the spoilers refused to recognize the obligations that should have been taken over with the land. Complaints arose that the gentry had taken away from poor men common of pasture and common fields, and had enclosed them, making parks and pasture for their own commodity and pleasure, to the utter undoing of poor men. A proclamation was issued, commanding that before a given day the commons should be restored under penalties. "But I think," says the chronicler, "there were but few that obeyed the proclamation: which thing the poor men perceiving, and seeing no amendment follow upon the proclamation, rashly, without order, took upon themselves to redress, and so, gathering themselves together, made them captains, and brake down those enclosures, and cast down ditches, and in the end played the very part of rebels and traitors." * The rapacity of the new landlords and their enclosures were the chief cause of discontent, but the alterations in religion counted for much. The first stir was in Hertfordshire; but it spread over the kingdom. There were risings in Middlesex, Kent, Surrey, Sussex, Essex, Hants, Wilts, Devon, Norfolk, Northamptonshire, Lincolnshire, Leicestershire, Gloucestershire, Rutland, Yorkshire. All England was in a blaze: "the

* Grafton, "Chronicle," ed. 1809, vol. II, p. 514.

whole realm in a manner in every shire." The Reformation was in danger: it was saved by a fortunate accident. By a supreme irony of fate the disturbances brought about by the enclosures were repressed by forces indirectly called into existence by the practice of enclosing.

The enclosing of common lands was no new thing in the reign of Edward: it had gone on for three score years or more. John Hales, a commissioner appointed in 1548 for the purpose of redressing the grievances, published a charge to those who made presentments on the subject of enclosures. It is an admirable document of State. In it he declared that "the king's subjects were wonderfully diminished, as those can well declare that confer the new books of the musters with the old." *

This diminution of population had compelled "the king that dead is, and the king that now is [Henry VIII and Edward VI], for want of their own natural subjects, to send for and hire strangers (Almains, Italians and Spaniards)," to supplement the levies of native troops.† For the purpose of the war with Scotland, such mercenaries had been sharked up and brought into England. Instead of being sent into Scotland, they were now turned against the peasants in revolt. In some counties the gentry defeated the rebels with such forces as they could raise locally. The risings were most serious in Devon and Norfolk. Exeter was besieged, and the city was hard pressed when Lord Grey of Wilton came to its rescue with German horse, commanded by Germane an Hennower (so

* For evidence as to the diminution of population, see also More's "Utopia," "Brinklow," and "The Four Supplications."

† Stype, "Eccl. Mem.," vol. II, part i, p. 148, part ii, p. 353.

Hooker gives his name) and three hundred Italian arquebusiers, under the command of Paolo Battista Spinola. Three thousand German lansquenets were employed in Devon.* In Norfolk, the Earl of Warwick had with him two thousand "Almains, or lanceknights, whether ye list to call them." Here again were Italian arquebusiers, commanded by Malatesta.

"The country knuffs, Hob, Dick and Hick, with clubs and clouted shoon," were no match for these highly-trained and disciplined soldiers of fortune. "The seditious," says Sir John Hayward, "had neither weapons, order, or counsel, but being in all things unprovided, were slain like beasts." Stow gives the killed as four thousand in Devon, five thousand in Norfolk. Of the last episode in the struggle in the west, Froude writes: "Few who went up the hill came back again: they fell in the summer gloaming like stout-hearted, valiant men, for their hearths and altars; and Miles Coverdale, translator of the bible and future bishop of Exeter, preached a thanksgiving sermon among the bodies as they lay with stiffening limbs with their faces to the sky." The rising in Yorkshire of "a rude rout" was easily put down.

The enclosers were everywhere victorious. Property and religion were secure. The enclosers were confirmed in their newly-gotten possessions: the peasants were thrust back into serfdom, and thrust forward into the new religion, beaming with "the pure light of the gospel." For, while Malatesta, Spinola and the Almain horse and lansquenets were employing carnal weapons in the field, a multitude of spiritual labourers, "divers outlandish and godly men," were also engaged in

* Grafton, "Chronicle," ed. 1809, Vol. II, p. 514.

"introducing Christ's kingdom into England": John a Lasco and "his mixed multitude of Poles and Germans," Bucer, Pierre Alexandre, Fagius, Peter Martyr, Michael Angelo Florio, Dryander, Valerandus Polanus, Bernardin Ochin, Immanuel Tremellius, Cavelarius, Utenhovius, Stumphius, Micronius, John ab Ulmis; a crowd of "Zwinglian gospellers." Two of them, John a Lasco and Bucer, with this grave business on hand, nevertheless, after the manner of their kind, fell into a quarrel about "vestments." *

Burnet explains and defends the employment of the German mercenaries; he is discreetly silent as to the Italian and Spanish. "The bulk," he says, "of the people of England was still possessed with the old superstition to such a degree that it was visible they could not be depended on in any matter that related to the alterations that were made, or were designed to be made: whereas the Germans were full of zeal on the other side." † There is in existence a letter referring probably to these very German mercenaries, written by John Dymock to the Protector, under date March 24, 1548-9. He relates negotiations for troops, with Earl Christopher, of Oldenburgh, then with the Duke of Brunswick and Lunenbourg. After much persuasion, the latter was prevailed upon to serve in England for fifteen hundred crowns a year. There was competition for the services of these mercenaries: "howbeit, all the best horsemen which do favour God's word might yet be gotten

* Edward Carne writes to the Protector from Brussels, December 9, 1547, that he has made diligent search to ascertain the most learned and honest men in the Low Countries ("Calendar," Foreign Series, Edward VI, 1547-1553, p. 13).

† "History of the Reformation," ed. Pocock, Oxford, vol. III, p. 329.

for the King's Majesty to the number of twenty-five hundred in the space of twenty-four days, and four thousand good footmen, if that your Grace's pleasure was known." *

Fuller's view is at once more candid and more true than Burnet's. "Here," he says, "one would wonder to behold the native English fighting in the maintenance of the mass, opposed by Italians, until he considereth that these foreigners, being soldiers of fortune, consulted the coin, not the cause, of such as entertained them." †

* Tytler, P.F., "England under the Reigns of Edward VI and Mary," p. 164.

† "Church History," ed. Oxford, 1845, vol. IV, p. 46. In 1551 Sir Richard Morysine, being at Augsburg, noted that "many Spaniards and Italians, this Lent past, went to the Bishop of Rome's Nuncio to be absolved for that they had served in the wars of the king of England."

Malatesta Malatesti was of the family which long ruled in Rimini (Litta, Count Pompeo, "Celebri Famiglie Italiane," vol. X, dispensa 161, tav. xvi; "Calendar of State Papers," Foreign Series, Edward VI, 1547-1553, p. 41).

Paola Battista Spinola was a member of the great house of Spinola, one of the four leading families of Genoa. It is evident from the frequent mention of their names in contemporary accounts of the rebellion that these two played the chief part in the suppression of the insurrections. But there were many other foreign mercenary leaders in the pay of the Government—Spanish, Italian, German, French, Albanian. "Never before," says Canon Dixon ("History of the Church of England," vol. III, p. 79), "had it been to be told in English story that English rulers had bought from foreigners the blood of their own countrymen." The Government of the day fully recognized the services of these foreign mercenaries in establishing the Reformation: they were largely paid "out of the sales" of church property. Several of them were knighted. Protestant historians have, not unnaturally, been somewhat reticent on the subject. Canon Dixon, however, writes frankly, as we have seen. He gives the names of about a score of these mercenaries, and adds "there may be more." The following is a list compiled from the printed "Acts of the Privy Council," and the Calendars, Domestic and Foreign. Many more names might have been given: those only are included shown by the title of "captain," or the rate of pay, or by the amount of gifts, to have

The Protector's leaning to the side of the oppressed peasants was not forgotten, nor was his proclamation ordering the throwing open of the

been leaders. The names are given as they occur, without attempt at rectification:

SPANIARDS

Sir Petro Gamboa.
Sir Christopher Diaz.
Sir Julian Romero.
Sir Petro Negro.
Captain Charles de Guevara.
Captain Montoia.
Captain Spadilla.
Marquess Alarano de Anceza.
John de Salazar.
Francis Defonseca.
Alexander de Morena.
Filicirga (see below, quotation from Stow's "Annals").

ITALIANS

Malatesta.
Paulo Baptista Spinola.
Sir Tiberio Perona.
Captain Robert Castalle.
Captain Gaspar Pizzoni.
Captain Francis Angelo.
Captain Scaramoucha.
Captain Pompeo.
Captain Ventura.
Captain Francisco Tiberion.
Matthew de Mantua.
Jheronimo Siracusano.
John de Baptista.
John de Barsaba.
Paolo Sardo.
Gualtier de Bergamo.
Vincent Bellachy.
Carlo Dado.

GERMANS

Otto, son of the Duke of Brunswick and Lunenburg.
Lord Waldeck.
Sir Conrad Peninck (also called Courtpeninge).
Sir William van Walderdom
Captain Haquefort.
Captain Cleyn van Burren.
Captain Wenzell van Ardenbrugh.
Hans Wulf.
Jerys Stetner.
Hans van Brunshyerkes.
Jaques de Jermigny.
Petre Sanga.
Lucas Fringar.
Bastian Lucas.
Henry van Brockhusen.

FRENCH

Captain Thomas Drury, *alias* Poignard (Hooker in Holinshed).
Jehan de la Broche.
Francis de Bignon.

ALBANIANS

Captain Andreas Rheni.
Captain Petro Zanzy.
John de Luciano.

HUNGARIAN

Captain Berislav.

The name of Filicirga is found in the following passage in Stow's "Annals": "1550. January 19. The same day at night,

enclosed lands. These things were the chief of the causes that brought about his fall.*

Under the old order, a preacher had dared to rebuke a king to his face. When Henry, "the postilion of the Reformation," was meditating marriage, during the life of his wife, with a woman who was perhaps his own daughter, and was cer-

were murthered by S. Pulchers Church against the kings head without Newgate of London, two captaines that had served the king at Boloigne and elsewhere, the one was Sir Peter Gambo, the other Filicirga: which murther was committed by Charles Gauaro a Flemming [Charles de Guevara, a Spaniard] who came post from Barwike to do that act: on the morrow he with three of his company was taken in Smithfield by the Lord Paget, and sent to Newgate and the foure and twentieth of January, they were all foure, Charles Gauaro, Balthasar Gauaro, Nicholas Disalueton and Frauncis Deualasco, had in a cart to Smithfield, by the way at the place where the murther was done Charles Gauaro had his right hand stricken off on the cart wheele, and then all hanged in Smithfield." (See also "Gray Friars Chronicle," ed. Howlett, p. 227.)

Sir Peter Gamboa was knighted by Henry VIII. The following were knighted in the reign of Edward VI:

Lord Waldyke.
Sir Christopher Diaz.
Sir Petro Negro.
The Duke of Lunenburg.
Sir William Waldenton [van Walderdom].

The names of Peninck, Romero and Perona in the list are not found among those on whom knighthood was conferred in this reign.

Paolo Battista Spinola is said to have been knighted, but he is never mentioned with the prefix "Sir." There is reason to think that Spinola played a considerable part in the suppression of Wyatt's rebellion (Deza, Massimiliano, "Istoria della Famiglia Spinola," 1794, pp. 273-4, where, however, the rebellion is referred to the reign of Edward VI. See also "Acts of the Privy Council," new series, vol. V, p. 69).

From the authorities mentioned it would appear that the Italian captains commanded each a band of 200 or 300 men. But the accounts are very incomplete. By the agency of such condottieri a large number of men could be raised. Thus we find in 1578 Battista Spinola engaged with Horatio Pallavicino in furnishing an army of 8,000 horse and 14,000 foot (Hist. MSS. Comm. Salisbury MSS., part ii, p. 173; part vi, p. 305).

* Pollard, "England under Protector Somerset," p. 200.

tainly the sister of a cast-off mistress, Elstow had dared to warn him to beware of false prophets. The Council threatened that he should be cast into the Thames. With a smile he told them: "Threaten these things to rich and dainty persons who are clothed in purple, fare deliciously, and have their chiefest hope in this world; for we esteem them not, but are joyful that, for the discharge of our duty, we are driven hence; and, with thanks to God, we know the way to heaven to be as ready by water as by land." The new Church did not at once fall to the level of "passive obedience," nor become a supple servant of the State. In their sermons preached before Edward VI, Latimer and Lever dared to use something of the old freedom. Their disillusionment is tragic. The picture they paint is appalling. They had hoped for a new and better England; now things had come to such a pass that Latimer's only hope was that "the great accounting day is at hand, which shall make an end of all these calamities and miseries." Before the king he told how his father, a yeoman with no lands of his own, held a farm of three or four pounds a year at the uttermost: and hereupon he tilled so much as kept half-a-dozen men. He had walk for a hundred sheep, and Latimer's mother milked thirty kine. This stout yeoman served his king, finding his own horse. Latimer recollected how he buckled on his father's armour when the yeoman-soldier went to Blackheath. He kept Latimer at college, gave his daughters a portion, kept hospitality for his poor neighbours, gave alms to the poor. Now he that had the farm paid sixteen pounds a year or more; could do nothing for his prince, nor for himself, nor for his children. It came from the

devil. "I say ye pluck salvation from the people, and utterly destroy the realm."

"O merciful Lord," said Lever, in a sermon also preached before Edward, "what a number of poor, feeble, halt, blind, lame, sickly, yea, with idle vagabonds and dissembling caitiffs mixed among them, lie and creep, begging in the miry streets of London and Westminster." And, addressing those in authority: "It is to thy great shame afore the world, and to thy utter damnation afore God, to see these begging as they use to do in the streets." *

The very first year of Edward VI witnessed the setting up of slavery in England (1 Edward VI, c. 3). A man found wandering and not offering himself to labour, might be seized by any one who chose to seize him, put to work at any labour "how vile soever," fed on bread and water, beaten, chained. His master might fasten an iron ring about his neck; it was an offence punishable by a heavy fine to help the slave to remove the ring, or to assist his escape from his master. If the slave ran away, on recapture his master might brand him on the forehead with the letter "S." Running away a second time, the slave incurred the penalty of death. A master might let, sell, or give the services of his slave to others, "after such like sort and manner as he may do of any other his movable goods or chattels." †

* That this was not the mere rhetoric of the pulpit is shown by the facts mentioned, enforced by, for instance, Robert Crowley's "An Information and Petition against the Oppressors of the Poor Commons of this Realm," 1548.

† Mr Pollard has attempted to extenuate the ferocity of this Act ("England under Protector Somerset," note to p. 224). He says: "It must be remembered that slaves were fairly common in the sixteenth century (for details of the manumission in

In dread of what might befall the abbey lands on the death of Edward, the plunderers set up Lady Jane Gray—that poor, pathetic puppet—a nine days' queen. But a way of accommodating

Elizabeth's reign of those on the Earl of Derby's estates see "Stanley Papers," published by the Chetham Society)." The reference to the "Stanley Papers" seems to be a mistake, as the "Papers" contain nothing relating to manumission on these estates.

When Mr Pollard says that "slaves were fairly common in the sixteenth century," he must be understood to refer to the period of which he is writing. It does not appear that slaves were common at this time. Sir Thomas Smith, secretary in succession to Edward VI and Elizabeth, is explicit on the subject. In his "De Republica Anglorum," he says (Book III, c. 8, "Of Bondage and Bondmen") that they are of two kinds, "villens in grosse," immediately bond to the person and his heirs; others, adscripti glebae, bond not to the person, but to the manor or place, called "villaines regardants," for because they be as members or belonging to the manor or place. "Neither of the one sort nor of the other have we any number in England. And of the first, I never knew any in the realm in my time: of the second so few there be, that it is not almost worth the speaking."

There was nothing in common between the old bondage as it still survived, and the new slavery set up by this "good and wholesome law." Bondage was not legally abolished, for a Bill enacting general manumission, brought into the House of Lords in 1536, was thrown out after the third reading (Lords' Journals, Vol. I, p. 99). But it had practically died out, except that the milder kind of bondage was used as an engine of exploitation on the royal manors. Edward VI and Elizabeth compelled their bondmen to purchase manumission at a great price. The manuscript Warrant Book of the Privy Council, from the fourth to the seventh of Edward VI (Brit. Mus. Royal MSS., no. 18, c. XXIV) contains the record of seventeen manumissions. In three cases only is the price mentioned, namely, £20, a large sum in those days.

Elizabeth, well considering that the manumission of her bondmen would be "acceptable unto almighty God, who in the beginning made all men free," for the tender love and zeal which she bore to these bondmen, handed over three hundred of them to Sir Henry Lee, who was empowered to hold them to ransom, with most arbitrary and oppressive powers of inquiry into their property, with power also to confiscate land and goods conveyed by the bondmen to protect themselves against

matters was found. The nobles were far more firmly attached to the stolen lands than to the newly imported religion. Mary, on the other hand, would agree to the retention of the lands, if the plunderers would return to the fold. A bargain was struck. "Seeing, by the goodness of God, their own errors," the Lords spiritual and temporal and the Commons, in Parliament assembled, humbly acknowledged and declared their repentance of the schism and disobedience committed in the realm, and prayed to be released from the censure of the holy Father the Pope, and the See Apostolic. This submission made, they were confirmed by the legate, Cardinal Pole, in the possession of the abbey lands. Never had London seen a more solemn and imposing sight than the procession on the feast of the Conversion of St Paul. Ninety crosses—how had they been overlooked?—a hundred and sixty priests and clerks, each attired in his cope; eight bishops in pontifical robes, Bonner carrying the pix, the Lord Mayor and companies in their liveries—thus was celebrated the reconciliation of England to the Catholic Church.

The situation which preceded the acknowledgement of Mary's right to the throne was reproduced with strange fidelity towards the close of the reign of Charles II. In order to avoid the danger of a Catholic successor, under whom the abbey lands might once more be the subject of question, Monmouth, Charles's illegitimate son, was cast for the part played, sorely against

the rapacity of the courtier to whom they had been handed over. From the terms of the grant it appears that some of these bondmen were lords of manors. The whole case is admirably stated in an article in the "Gentleman's Magazine," new series, Vol. XXXVIII, 1852, pp. 371-4.

her will, by Lady Jane Gray. It may be doubted whether it has been recognized how large a part the fear, or, on the part of the more astute, the pretended fear of losing the abbey lands played in the constant attempts to set aside James. A strange story is told by the Earl of Ailesbury. Coleman, happening to be in the neighbourhood of Woburn, went to visit the seat and gardens of the Earl of Bedford. He praised the gardener, telling him that he looked well after his garden. The gardener, a "pragmatical rascal," misinterpreted this. He reported that Coleman had said, "Pray look well after my garden." This, ever after, ran in the head of Lord Russell, the heir to Woburn; he regarded it as an intimation that the abbey lands would be taken from him if the Duke of York succeeded to the throne.* The story is confirmed by Blount, in a postscript to his "Appeal," under the title, "More Romish Canons, fitting to be considered by all abbey-landed men." On the authority of "Burnet's History of the Reformation" he quotes two canons, and continues, "So that if any men (who have estates in abbey lands) desire to beg their bread, and relinquish their habitations and fortunes to some old greasy, bald-pated abbot, monk or friar, then let him vote for a popish successor and popery; for when once that religion is established amongst us, these canons will come in play, and the pope will then tell you (whatsoever he may pretend at first) that his predecessor had no right to give away what belonged to the Church. And this Mr Coleman well knew, when he promised himself no less than to be once master of the Earl of

* "Memoirs," p. 27.

Bedford's estate; but unluckily the gallows prevented it, in making him a saint before his time."

On April 27, 1679, Lord Russell, in moving the appointment of a Commission to draw up a Bill "to secure our religion and properties in case of a popish successor," used these remarkable words: "This is the deciding day betwixt both religions. I am transported, I confess, both with spiritual and temporal concerns. I have abbey lands, but I protest, before God and man, I could not be more against popery than I am, had I none. I despise such a ridiculous and nonsensical religion." After which he proceeded to deride the doctrine of transubstantiation in terms which would have brought a blush to the cheek of Scroggs.

That the fear of losing the abbey lands was ever present to the minds of their possessors is again shown by another parliamentary reference. On the third reading of the Exclusion Bill on November 11, 1680, Colonel Legge, Master of the Horse to the Duke of York, opposed the Bill, although, as he said, "I have church lands, and reason to apprehend popery coming in, as other men."*

Except in general terms, James did not refer to the subject of abbey lands when he met Parliament. But on November 13, 1686, a remarkable sermon was preached before him by Father (after-

* There was a widespread feeling that it was sinful to hold Church lands. Thus, the Bishop of Salisbury, in his funeral sermon on Monk, said: "He was a great detester of sacrilege. He hath often told me with joy and resolution that he never had or would have, in the compass of his estate, any part that had ever been devoted to pious uses." There was also a belief, perhaps even more widely-spread, that ill fortune attended families who possessed abbey lands.

wards Bishop) Ellis. Its interest is enhanced by the fact that Dryden refers to it in "The Hind and Panther."* The occasion was the feast of All Saints of the Order of St Benedict. Referring to the Benedictine monks, Father Ellis said: "But this posterity of theirs . . . . does willingly and freely renounce all titles and rights which might possibly be inherent in the ancient and present congregation of monks, who acknowledge by my mouth that the alienation of their lands, how unjust soever in the beginning and ensuing confirmation of it, is now fixed by so full and incontrolable authority, both of church and state, that they can by no law, ecclesiastical or civil, be wrested out of the hands of their present possessors or their heirs. The Church, and, in her name, the Supreme Pastor, hath quitted all pretensions, and prays that what she hath loosed upon earth may be loosed in heaven, and that every one concerned may enjoy as quiet a conscience as they do and shall to the end of the world enjoy an undisturbed possession." The sermon, preached, as has been said, before the king, was published by his command.† In his Declaration of Indulgence, published on April 4, 1687, James gave especial assurances with regard to abbey lands, "he would maintain his loving subjects in all their properties, as well of church and abbey lands as any other." A pamphlet on the subject was written, also by the king's command.

This threefold intervention of the King and the number of pamphlets on the subject prove how great was the interest taken in the question.

* Marginal note to line 647, part II.

† Quoted in Weldon, "Chronicle of the English Benedictine Monks," pp. 229, 230.

Burnet, who was in these times publishing his "History of the Reformation," took a leading part in the discussion. He argued that the confirmation by Cardinal Pole was "a fraudulent transaction." The argument on the Protestant side was in all cases very much the same: it amounted to this, that the alienation of the abbey lands could not be effectually confirmed. Theoretically, there was force in the argument. A misdeed may be forgiven: it can never cease to be a misdeed. A fair disputant would have been hard put to it to justify the alienation of the lands held in trust for public uses for the purpose of bestowing them upon private owners.*

*It may be of interest to give other references. The subject is mentioned, at no great length, in a tract, "The Protestant's Doom in Popish Times," printed in the Somers Collection, vol. IX, p. 65. In 1685 was published a pamphlet, signed "W. C.", ascribed to Sir William Coventry: "A letter written to Dr Burnet, giving some account of Cardinal Pole's secret powers, from which it appears that it never was intended to confirm the alienation of abbey lands," etc. This was answered by Dr Nathaniel Johnston, Fellow of the Royal College of Physicians, in a pamphlet published in 1687: "The assurance of abbey and other Church lands in England to the possessors cleared from the doubts and arguments raised about the danger of resumption." This was written and published by command of James II. Burnet refers to this and to the work attributed to Coventry, but in neither case by name, in the introduction to Part III of his "History of the Reformation."

Later, in 1688 (?), was published an answer to the pamphlet last mentioned. This answer was by John Willes: "Abbey and other Church lands, not yet assured to such possessors as are Roman Catholics: dedicated to the nobility and gentry of that religion." Reprinted in "State Tracts," vol. II, p. 326, and in the Somers Collection, ix, p. 68.

In 1596 Robert Parsons, the Jesuit, wrote a book, "A Memorial of the Reformation of the Church of England," chapter V of which is headed: "The forwardness that ought to be in all for the restitution of ecclesiastical lands and livings, and with what facility and ease it may be done." A copy of this book, in manuscript, was presented by the Jesuits to James II. In 1690,

To Burnet, who was not only a divine and historian, but, perhaps in the first place, a politician, it seemed that there was "a signal providence of God in raising up a king of the temper of Henry VIII for clearing the way to that blessed work that followed: and that could hardly have been done but by a man of his humour." Judas Iscariot has been explained upon a similar principle. Henry, that bloated iniquity, was "the postilion of Reformation, who made way for it through a great deal of mire and filth."* But Burnet admits that "the spoils of religious houses and churches seem to have been the secret motives that at first drew in and still engage so many to the Reformation."† In other words, lust of plunder was its mainspring, and the fear of dispossession was, even when Burnet wrote, a great political force. He frankly admits that this plunder was a just and great scandal of the Reformation. It was a fatal, an irreparable fault. In order to defend their ill-gotten possessions, the nobles had to draw the masses to their side. Broadly stated, the problem was to bring the rack-rented yeoman and the dispossessed peasant to forget the times of easy rents and of common rights; the slave to forget the letter "S" burnt into the ball of his cheek with a hot iron; all to forget the butchery of their fathers by foreign mercenaries. And not only to forget, but to throw up their caps and shout for the rack-renter, the encloser, the enslaver. That

after the Revolution, it was printed by a clergyman of the Church of England. It was a powerful weapon in the hands of Protestant controversialists.

The question of confirmation is fairly discussed by Dodd in his "Church History," vol. I, pp. 566-573.

* Preface to vol. I of the "History of the Reformation."

† Preface to vol. II.

this was done, and done in so short a time, is one of the marvels of history, testifying at once to the extraordinary skill of the governing classes of England, and—not to use a harsh word—to the extraordinary tractability of the governed.

Fate threw in the way of the governors two weapons which, well handled, proved to be of tremendous force. What Gunpowder Plot was is a question not long since debated by Father Gerard and the late Professor Gardiner. How far the plot was prompted or fostered by agents of the government we shall probably never know. But at most and at worst it was the crime of a few ruined and desperate men. This plot was charged not only on the whole body of Catholics of the time, but on their descendants from generation to generation. It is only within our own times that the Anglican Church has abandoned an annual service which had no other object than to keep alive religious and political hatred. Up to 1844 a Catholic was liable to heavy penalties if he did not go to church on November 5 and take the sacrament.* Even to-day one may hear a dismal chant, urging, after three hundred years, that the crime of these few men should never be forgotten. At every session of Parliament the farce is repeated of pretending to search the vaults of the House for gunpowder.†

* "Hansard," vol. 76, p. 1777.

† "It is not too much to say that to the horror excited by the revelation of the Gunpowder Plot were largely due the enforcement and stringency of the Recusancy Acts, as they continued for upwards of a couple of centuries; and, even yet, there are many well-meaning people, whose conception of a Roman Catholic is a man who is prepared to go all lengths—even to the foulest murder—for the advantage of a bloody and idolatrous religion" ("Edinburgh Review," January, 1897).

The Great Fire which destroyed London in 1666 was attributed to "the treachery and malice of the popish faction." No pains were spared to make the people believe that the Catholics had purposely fired London. This was a feature in Oates's pretended revelations. Bedloe's contribution to Plot literature was a long romance, telling how the papists had burnt London once, and were bent upon doing it again. We have seen how Blount handled this matter of the Great Fire. Dr Isaac Barrow's sermon on the Fire of London preached in 1673 was reprinted in 1679. The House of Commons in 1681 passed a resolution (of course, *nemine contradicente*) that the papists had burnt London in order to bring arbitrary power and popery into the kingdom. In passing sentence upon Lord Stafford, the Lord Chancellor scandalously dragged in the Fire of London, which had not the remotest connexion with the case—"Does any man," he asked, "now begin to doubt how London came to be burnt?" A lying inscription on the Monument, erased in the reign of James II, was re-cut after the Revolution, and continued to lie for 150 years.

The consequences of the calumnies continued to work, and were bitterly felt by the calumniated, long after the originating cause had disappeared. The abbey lands were finally secured to their possessors beyond all possible doubt by the Revolution of 1688, but the Statute Book continued to be loaded with penal laws which cannot be read without a shudder. A hundred years after the Revolution, London was given over to a Protestant faction to burn and pillage, merely because at length it was proposed to grant to Catholics a small measure of justice, long delayed.

The moral of the Popish Plot is crystalized in the two new words which it gave to the language —"sham" and "mob." The Popish Plot is the classic example in our history of the exploitation of the passions of the people in the interests of a class.

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